United Nations CAT/C/BGR/6

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Distr.: General
12 February 2016

Original: English
English, French and Spanish only

Committee against Torture

Consideration of reports submitted by States parties under article 19 of the Convention pursuant to the optional reporting procedure

Sixth periodic reports of States parties due in 2015

Bulgaria*, **, ***

[Date received: 4 January 2016]

* The fourth and fifth periodic reports of Bulgaria are contained in document CAT/C/BGR/4-5. They were considered by the Committee at its 1032nd and 1035th meetings, held on 9 and 10 November 2011 (CAT/C/SR.1032 and 1035). For its consideration, see the Committee's concluding observations (CAT/C/BGR/CO/4-5/Add.1).

** The present document is being issued without formal editing.

*** The annexes to the present report are on file with the Secretariat and are available for consultation. They may also be accessed from the web page of the Committee against Torture.

GE.16-01925(E)

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Contents

	Page
Introduction	3
Articles 1 and 4	3
Article 2	3
Article 3	18
Article 5,7 and 8	24
Article 10	24
Article 11	26
Article 12 and 13	33
Article 14	33
Article 15	36
Article 16	36
Other issues	38
General information on other measures and developments relating to the implementation of the Convention in the State party	40

Introduction

1. In August 2009, the Government of the Republic of Bulgaria submitted its consolidated fourth and fifth periodic report in accordance with article 19, paragraph 1, second sentence, of the Convention of 10 December 1984 against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter: the Convention). The period under review covered the years 2004 to 2008. In specific cases, account had been taken of current developments until June 2009.

2. The Committee against Torture at its thirty-eighth session (A/62/44, paras. 23 and 24) established a new optional procedure which consists in the preparation and adoption of a list of issues to be transmitted to States parties prior to the submission of their respective periodic report. Under this procedure, the Government of the Republic of Bulgaria received a list of issues, contained in document CAT/C/BGR/Q/6.

3. The Government of the Republic of Bulgaria hereby submits its replies to the list of issues, which will constitute its sixth periodic report before the Committee. The information contained in the report covers the period between 2009 and October 2015. The report has been presented for public discussion and was subsequently approved by the National Coordination Mechanism for Human Rights.

4. Looking forward with great interest to the presentation of its sixth periodic report under the Convention, the Government of the Republic of Bulgaria hopes for a constructive dialogue with the Committee. The Government of the Republic of Bulgaria confirms its determination to continue to strictly fulfil the obligations arising from the Convention, and to ensure the necessary conditions for the effective prevention and counteraction of any and all violations of its provisions. The responsible bodies in Bulgaria continue their efforts to address all emerging issues and take appropriate action in cases where such acts have been allowed to take place.

Articles 1 and 4

Response to issues raised in paragraph 1 of the list of issues (CAT/C/BGR/Q/6)

5. A thorough analysis of the compliance of the Bulgarian legislation with the provisions of the Convention against Torture has been conducted. Following the second Universal Periodic Review of the Republic of Bulgaria in May 2015, the state has accepted the recommendation to adopt a definition of torture that includes all the elements present in the Convention. The responsible bodies are considering the introduction of legal measures to include torture as a separate and specific crime into the Bulgarian legislation.

Article 2

Response to issues raised in paragraph 2 of the list of issues

6. On 19 March 2013, the Legal Assistance Act was amended and supplemented. Consequently, the circle of socially disadvantaged groups with effective access to justice was broadened. Besides people in extreme poverty, children at risk, victims of domestic or sexual violence or of trafficking in human beings, seekers of international protection and certain categories of foreigners were included among the people having the right to legal aid. The amendment is in conformity with the national and European principles and guidelines underpinning access to legal assistance. The Bulgarian legislation is brought into compliance with European standards and provisions, and in particular, with article 6, paragraph 3, item "c" of the European Convention for the Protection of Human Rights and

Fundamental Freedoms. It specifies explicitly the categories of persons entitled to enjoy free legal assistance.

7. The legislative changes in 2013 also further strengthened the control over the provision of legal aid by legal counsels. Equal criteria and standards for quality and assessment of legal aid provided were accepted. Handbooks were created on implementing the Legal Assistance Act for every institution in the legal aid system.

8. Compared to previous years, from 2013 onwards the budget of the National Legal Aid Bureau has increased with approximately Euros 2 million. However, the expenses for legal aid are expected to rise due to the increasing number of refugees entering the country. At the moment, there are 23 employees at the Bureau.

9. Since 2013, legal aid lawyers are being regularly paid. This is being done no later than a week after the report for the provided legal aid has arrived.

10. The Mechanism for Provision of Legal Assistance by Lawyers on Duty in the first 24 hours of police detention has been updated. A monthly list of the lawyers on duty is being maintained and a weekly schedule for their duties is created. Where necessary, these documents are given to the competent authorities.

Response to issues raised in paragraph 3 of the list of issues

11. The use of physical force and auxiliary devices by the police authorities is regulated in Article 85 and Article 86 of the Ministry of Interior Act and Decree № 8121з-1130 of 14 September 2015 on the procedure for the use of physical force and auxiliary devices by the Ministry of Interior (promulgated SG. Issue 73 of 25 September 2015). The cases where police authorities may use firearms are regulated in Art. 87 of the Ministry of Interior Act.

12. The use of physical force, auxiliary devices or weapons is permitted only when absolutely necessary and is comprehensively specified in the Ministry of Interior Act hypotheses. They are to be used only in order to achieve the legal aim of the situation with minimum risk to life and health of citizens.

13. Training of the police officials in relation to the use of physical force, auxiliary devices or weapons is fully in line with international standards in this area.

14. The Academy of the Ministry of Interior is currently a beneficiary of the Project "Protection of Human Rights and Training to Acquire the Necessary Knowledge and Skills of the Police Officials, Working in Multicultural Environment, including the Roma community", funded by the Norwegian Financial Mechanism 2009-2014, BG 13 Program Area 30. The Project includes expanding and updating of the training of police officials in relation to the legitimate use of physical force, auxiliary devices or weapons.

Response to issues raised in paragraph 4 of the list of issues

15. In 2011, the Commission for Protection against Discrimination /CPD/ and the Ombudsman were accredited by the International Coordinating Committee and its Subcommittee on Accreditation at the UN High Commissioner for Human Rights with the status "B" as National Authority on Human Rights. The last changes to the Ombudsman Act provide that the Ombudsman is acting as the National Preventive Mechanism (NPM) in accordance with the OP to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. The functions of the Ombudsman as NPM have been facilitated by the establishment of a new Directorate.

16. The capacity of the Ombudsman has been strengthened in three main directions: it was designed as a NPM; its powers were extended and was accredited under the Paris Principles. The extended powers of the Ombudsman include: presenting opinions to the

Council of Ministers and the National Assembly on draft laws concerning human rights protection and on the ratification of International Human Rights Treaties; referrals to the Constitutional Court and protection of the rights of the child; broad powers in relation to places for persons deprived of their liberty, or those where persons are detained.

17. The CPD is an independent specialized national body in the sphere of equality exercising competencies and authority as provided in the Protection against Discrimination Act (PaDA). The main competences of the CPD are: 1) prevention of discrimination 2) protection against discrimination by consideration of specific complaints and signals lodged before the Commission and constituted as proceedings, and 3) ensuring equal opportunities for participation in public and social life for all citizens. Over the past three years there has been an increase in the number of proceedings brought before the CPD which has demonstrated that the trust in the Commission as an independent specialised body for the protection from discrimination and ensuring equal opportunities has been raised.

Response to issues raised in paragraph 5 of the list of issues

18. The Updated Strategy to Continue the Reform of the Judicial System was adopted by the Council of Ministers with Decision № 825/18.12.2014. The Updated Strategy has been developed by the Ministry of Justice (MoJ) and is intended to develop further the partially implemented Judicial Reform Strategy of 2010. The document covers a broader range of issues and taking into consideration the current problems that stand in the way of taking effective reform action, proposes measures to build on the results achieved so far in the sector.

19. The overall objective of the Strategy is to build on the efforts for modernisation of the judiciary and to complete its reform within the next seven years. It relies on the resources and opportunities arising from Bulgaria's membership to the European Union and the Council of Europe, as well as on the domestic democratic maturity of civil society and the professional community in Bulgaria, and, to this end:

- To achieve effective guarantees of independence of the court and the judiciary
- To ensure good governance of the judicial authorities and their highly effective functioning
- To unfold the potential of human resources in the judiciary and guarantee the high motivation, competence and social responsibility of judges, prosecutors and investigating magistrates
- To implement a modern and effective criminal policy through the necessary institutional and regulatory reforms
- To ensure a full-fledged right to a fair trial to each citizen and effective protection of human rights

20. For the accomplishment of the overall objective of the Strategy, there are six strategic objectives with their specific goals and concrete measures. Each measure is further illustrated with specific activities, expected results, implementation indicators and responsible institutions. A mechanism for the implementation of the Strategy has been developed. Horizontal methods and public participation means for the implementation of the Strategy have been created.

21. The first strategic objective relates to taking measures guaranteeing the independence of the court and the other judicial authorities through effective measures against corruption, political and economic pressure and other dependences. The Strategy envisages the creation of mechanisms for overcoming the institutional grounds for undue influence on and through the Supreme Judicial Council. The document specifies the idea of

judges' self-governance as an effective approach to limit the possibilities for administrative forms of influence on the independence of the court and increasing the responsibility and efficiency of courts' administration. It also envisages measures for developing systematic policy for prevention of corruption and conflict of interests in the judiciary.

22. The second strategic objective focuses on the status of judges, prosecutors and investigating magistrates as an essential asset and focus of the reform. The document promotes the reform of legal education and internships as a guarantee of high qualification upon entry and motivation of human resources of the judiciary. Measures have been designed in order to improve the methodologies and the organisation of competitions for magistrates' appointment and promotion in order to guarantee the public trust. The Strategy will further focus on the achievements and sustained improvement of the quality of operation of the National Institute of Justice. The document envisages restructuring the disciplinary proceedings against magistrates by setting up a centralised disciplinary commission with each of the two SJC chambers. It also foresees the development of predictable remuneration fixing rules for magistrates. The Strategy has developed the idea to collect regularly opinions from judges, prosecutors and investigating magistrates on the administration of the judiciary, as well as public presentation of the results.

23. The third strategic objective is related to the effective administration of the judiciary. Special attention is paid to building capacity for carrying out theoretical and empirical research for the needs of administrating and developing the judicial authorities. Another important point is enhancing the analytical capacity and ensuring uniformity and reliability of statistics about the work of the judiciary and the pre-trial proceedings. In relation to managing magistrates' and judicial entities' caseload, a permanent mechanism to measure the load of the different types of cases and the additional official duties judiciary is introduced, as well as a mechanism to set a caseload target and even distribution of cases. A programme budgeting is introduced for each judicial entity. The idea is to attach the budget to the achieved results and to bind the financing to the set targets, activities and workload. All of this will be done with an objective assessment of expenditures by type of files and cases. Long-term planning tools are to be introduced.

24. E-Justice is set as a separate specific goal, as the measures are developed in the Roadmap for the implementation of the Strategy for Implementation of e-Governance and e-Justice in the Justice Sector 2014-2020.

25. The forth strategic objective is aimed at implementing a modern and effective penal policy. The foreseen measures are related to the following: an update of the Concept of Penal Policy; the adoption of a modern Administrative Violations and Sanctions Act; the assessment of the need to update particular institutes and substantive elements of the Penal Code and the preparation of the respective drafts; and to the reform and development of the investigating authorities.

26. A package of measures is set for enhancing the effectiveness of the prosecution. They include: carrying out an independent expert monitoring in the framework of the EC Cooperation and Verification Mechanism of the current state and effectiveness of the Prosecution Service of the Republic of Bulgaria, the factors of political, hierarchical and other undue influence on it, as well as the forms of abuse of prosecutorial powers.

27. An analysis of costs and effectiveness of the existence of separate Specialized Prosecution Office and the Specialized Criminal Court and their effectiveness is also envisaged, as well as development of a package of changes in the model of expertise. The Strategy foresees the elaboration of an Action plan for penitentiary reform.

28. Ensuring the right of a fair trial of every citizen and the effective protection of human rights are embodied in the fifth strategic objective. The actions envisaged in the Strategy are related to: developing constitutional and legislative amendments for the

introduction of direct petition to the Constitutional Court; measures for overcoming the reasons for the European Court of Human Rights judgments against Bulgaria and respect for international human rights standards; development of the legal aid system; spreading restorative justice approaches; and creation of specialised court panels for children within the judiciary.

29. The process of reforms is strongly linked to taking measures to build up the public trust in the judiciary. In this regard, the sixth strategic objective provides measures to ensure actual public participation in the administration of justice through the institution of lay judges and to increase the transparency of the judiciary and dialogue with citizens.

Constitutional amendments

30. On 24 July 2015, a new Act to Amend and Supplement the Constitution was submitted to the National Assembly of the Republic of Bulgaria. The proposal is supported by the signatures of 180 MPs as a guarantee for its adoption. With 184 votes "In Favour" the proposed amendments passed first reading on 23 September 2015.

31. The key proposals are:

Structural and organizational changes of the Supreme Judicial Council

Objective: Independent and efficient Supreme Judicial Council guaranteeing transparent appointments in the judiciary, enjoying the trust of the society and of the judges, the prosecutors and the investigating officers.

- Division of the Supreme Judicial Council (SJC) into two chambers – judges' and prosecutors', which implement independently personnel and disciplinary powers on judges, prosecutors and investigating officers. The judges selected by peers shall have majority in the chamber of judges
- Decrease of the mandate of the Supreme Judicial Council to 4 years
- Reduction of the powers of the Minister of Justice – solely to chair the sessions of the plenum of the Supreme Judicial Council

Strengthening the Inspectorate to the Supreme Judicial Council (SJC) guaranteeing accountability and integrity of the authorities of the judiciary

Objective: Enhanced institutional capacity of the Inspectorate to the SJC to guarantee accountability and integrity of the bodies of the judiciary and effective prevention against a conflict of interests and illegal influence.

- The specialization is increased by electing 6 inspectors to make inspections of the work of the courts and 4 inspectors to inspect the Prosecutor's Office and the Investigation
- New powers are introduced to empower of the Inspectorate to carry out inspections for conflicts of interests of judges, prosecutors and investigating officers, to check on the completeness and the authenticity of the property declarations, to make inspections for conduct damaging the reputation of the judiciary and inspections related to the violation of the independence of judges, prosecutors and investigating officers

New guarantees for the rights and the freedoms of citizens

Objective: Strengthening the supremacy of the Constitution and the independence of judges, as well as introducing additional guarantees for the rights of citizens.

- Involving regular courts in exercising specific control for constitutionality to approach the Constitutional Court in cases when the rights and freedoms of citizens are infringed by the law
- The Supreme Bar Council may approach the Constitutional Court if the rights and freedoms of citizens are infringed by the law

Drafted amendments to the Judicial System Act

32. The Ministry of Justice has drafted amendments to the Judicial System Act. They conform to the main terms of the Act to Amend and Supplement the Constitution of the Republic of Bulgaria. The Act responds to the recommendations and the standards of the Council of Europe and the European Union with regard to the organisation of the judiciary and the independence of the Court.

33. A broad public discussion was launched including judges for the 5 Appellate regions and with the Association of prosecutors in Bulgaria. Currently, the comments from the discussion and the forthcoming amendments to the Constitution are being collected and analyzed.

34. The main proposed changes are:

- Division of the SJC into two chambers – a chamber of judges and a chamber of prosecutors and investigating officers, elected by the relevant quotas of the judiciary
- Each of the colleges of the SJC shall make an independent and final decision for issues within its competence
- Direct election of members of the SJC by general meetings of judges, prosecutors and investigating officers
- Enhancement of the self-governance of the courts through new functions of the general meetings of the judges
- Independence, neutrality and impartiality of the disciplinary proceedings
- Objective attestation of magistrates for a fair and transparent career growth
- A procedure for provision of permission by the SJC for the attraction as a defendant of a judge, a prosecutor and an investigating officer, in the events of Art. 132 of the Constitution of the Republic of Bulgaria
- Guaranteeing the development of the professional capacity of magistrates
- A system of assisting measures with regard to judges, prosecutors and investigating officers
- The disciplinary proceedings are changed so that the international standards should be satisfied and their real competitive nature should be guaranteed
- Clearly defined and predictable rules for sending magistrates on business trips
- Creation of additional guarantees for the individual independence of the prosecutor during the implementation of his/her powers
- Inspectorate to the SJC, providing for efficient justice and integrity of the authorities of the judiciary
- Publicity and civil participation at the selection of members of a jury
- Improvement of the practices for acquisition of legal qualifications
- Introduction of electronic justice in the authorities of the judiciary

High level appointments

35. In January 2015, the SJC elected Mr. Lozan Panov as President of the Supreme Court of Cassation. For the first time, a President of the Supreme Court of Cassation was elected directly by the General Assembly of the judges' colleges, and not appointed by the newly elected Chairman.

36. On 2 April 2015, the National Assembly elected Teodora Tochkova as a Chief Inspector of the Inspectorate with the Supreme Judicial Council. 197 MPs participated in the voting, of which 195 were "In Favour". This can serve as evidence for wide support and political consensus.

Random allocation of cases

37. As of 1 January 2014, all courts are required to apply the new version of the software product for Random allocation of cases. It was presented for tests to IT experts, appointed by the Civil Council at the SJC. The SJC has requested an expert opinion from the Bulgarian Academy of Sciences about the software and the implementation of the principle for random allocation of cases.

38. The SJC has been implementing the project "E-justice – Research and Development of an Integrated Communication and Information Infrastructure and the Creation of single electronic portal for the judiciary", funded by Operative Program Administrative Capacity (OPAC). In the framework of the project, software for centralised random allocation of cases has been developed.

39. The SJC approved a Unified Methodology for the Implementation of the Principle of Random Allocation of Cases in Regional, District, Administrative, Military, Appellate and Specialized Courts. Further measures have been taken to improve the security of the Random allocation of cases system. The exploitation of Upgraded System, with improved guaranties for security started in October 2015.

Draft Act to Amend and Supplement the Execution of Sentences and Detention Act

40. On 6 August 2015 the Council of Ministers adopted a draft Act to Amend and Supplement the Execution of Sentences and Detention Act. It was submitted to the National Assembly. The bill proposes a new regulation of electronic surveillance as a form of control over the behaviour of certain categories of convicted persons. The new regulation extends the application of the probation measures, in accordance with European standards, through the introduction of a system for electronic monitoring.

Civil Procedure Code

41. In 2010-2014, monitoring of the implementation of the Civil Procedure Code was performed. It reviewed first-instance proceedings, appeal proceedings, payment proceedings and enforcement proceedings. The first-instance proceedings impact assessment showed that the new Civil Procedure Code first-instance proceedings were well regulated and complied with their objectives. Conditions were created for their effective achievement. There were no significant cases of deviation from justice, such as to require follow-up activities and legislative amendments. A number of initial weaknesses in the implementation of the new Civil Procedure Code have been overcome with the accumulation of jurisprudence.

42. The impact assessment of the orders for payment proceedings showed that these proceedings are rightfully applied. However, some weaknesses were reported. Follow-up activities were undertaken for amendment to the Civil Procedure Code in this respect.

43. No higher degree of side effects in the judicial executive office and offices of private enforcement agents was identified. There are relatively few cases of difficulties in the law application, resulting from conflicting or unclear provisions or controversial practice.

44. On 13 July 2015, a new Act to Amend and Supplement the Civil Procedure Code was submitted to the National Assembly. It suggested amendments to the enforcement proceedings, as well as introduction of special rules for proceedings in civil cases when international treaties are effective.

Corruption

45. The National Strategy for Prevention and Countering Corruption in the Republic of Bulgaria 2015-2020 was adopted in April 2015. The focus of the Strategy is a proposed reform of the institutional framework in the area of prevention and countering corruption, directed at greater efficiency and better coordination between the existing authorities and bodies. The Strategy provides for the creation of a National Council on Anti-Corruption Policies as a mechanism for coordination at a political level.

46. In implementation of the Strategy, a National Council on Anti-Corruption Polices was created in May 2015. It has advisory, coordinating and controlling functions with regard to the development and the implementation of the policies in the area of prevention and countering corruption.

47. A revised version of the draft Prevention of Corruption Amongst High-Ranking Officers of State Act is due to be submitted in Parliament in December 2015.

Response to issues raised in paragraph 6 of the list of issues

48. The Bulgarian legislation contains a legal definition of the term "Domestic violence". It is regulated in article 2 of the Protection against Domestic Violence Act /PDVA/, which regulates the rights of individuals who have suffered from domestic violence, the protective measures and the procedure for their application. Any person who has suffered from domestic violence may seek protection against domestic violence under the law, whereby the liability sustained by the offender as determined under the PDVA shall not exclude civil, administrative, and most of all, criminal liability. The PDVA is in line with the requirements of Regulation (EU) No. 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters. The law provides opportunity for persons who enjoy protective measures in a Member State of the European Union, to be able to request issuance of protection order in the Republic of Bulgaria.

49. According to the Penal Code of the Republic of Bulgaria, certain acts of physical, sexual, psychological or emotional abuse are considered as crimes. These include, among others: forced restrictions of privacy, personal freedom and personal rights, torture of a juvenile or a minor placed under the care of the perpetrator or whose education is entrusted to the said perpetrator (art. 187), and the abuse of parental power in order to compel a child younger than 16 years of age to start living as married with another (art. 190). Furthermore, the performance of certain types of crimes against persons in kinship or family relationship with the perpetrator – spouse, ascendants, descendants (including adopted and stepchildren), brothers, sisters and their spouses, relatives who are in the collateral line up to IV degree, is a qualifying circumstance. In this sense, more severe punishments are provided in cases of rape of a descendant relative, in case of bodily injury to a parent, pregnant woman or a minor. The majority of these crimes are of general nature and are prosecuted *ex officio*. Attention should also be paid to the provision of art. 296, para. 1 of the Penal Code, which incriminates cases where a person obstructs or prevents the

enforcement of a judgment, an order for protection against domestic violence or a European protection order.

50. Bulgaria is aware of the necessity to change the legislation related to the regulations for domestic and gender-based violence. In this light, with regard to Bulgaria, there were recommendations made by the CEDAW, in execution of which Art. 158 of the Penal Code has been repealed. Within the Second Cycle of the Universal Periodic Review, our country adopted a series of recommendations related to combating domestic violence and with regard to some of them, actions are already taken. The Penal Code and the appropriate legal acts are under review, in order to evaluate the necessary amendments. The NGOs 'expertise in this regard is provided and highly valued, especially in order to ensure maximum protection for victims of DV.

51. The MoJ is carrying out the project, entitled "Improvement of the National Legal Framework to Bring It in line with Council of Europe Standards and Strengthening the Capacity of Competent Institutions Involved in Cases of Gender-Based Violence, including Domestic Violence" under Programme BG 12 of the NFM (2009-2014). Under this project, experts are analysing the European legislation and assessing our domestic legislation with regard to fill-in gaps in the area of domestic violence and gender-based violence. The analyses shall contain recommendations and conclusions that would serve as foundation for legislative changes, which would increase the protection for individuals who are victims of violence; it would raise the awareness of their rights, of the follow-up measures that need to be taken in view of their protection, etc.

52. By Decision No. 288 of 30.04.2015 of the Council of Ministers, the National Program for Prevention and Protection from Domestic Violence for 2015 was adopted. In accordance with the measures provided therein, by the end of 2015, the Coordination Mechanism for Support and Assistance to Victims of Domestic Violence is to be signed, which would guarantee the timely cooperation between the institutions in cases of domestic violence.

53. On 29 April 2015, the Council of Ministers adopted the National Program for Prevention and Protection from Domestic Violence as submitted by the Ministry of Interior, containing the obligations of the involved institutions and NGOs in relation to domestic and gender-based violence.

54. According to the provisions of the PDVA, the budget of the MoJ is annually designated in order to determine financing NGOs' projects for activities under the PDVA, as well as for the development and implementation of prevention and protection programs against DV.

55. Bulgaria will continue its consistent efforts to combat domestic violence, to protect the victims and create an appropriate legal framework. On this note, a National coordination mechanism for support and assistance to victims of domestic violence and the standards for services provided to victims of domestic violence is to be approved.

Response to issues raised in paragraph 7 of the list of issues

56. The early marriages of children from some ethnic groups in the Republic of Bulgaria are a prerequisite for their social isolation. As children enter into matrimony and cohabitate on a conjugal principle at an early age, their rights to free choice, education and normal mental and physical development are at risk. According to the National Statistical Institute, in 2010, there were 350 children born by girls under the age of 16. At the same time, abortions in the same age group were 146. This situation has deteriorated and there is also an increase in the number of couples cohabitating on a conjugal principle where one of the partners is a female minor or juvenile. In the cases of the so-called "early marriages", the

normal mental and physical development of the mother is threatened and the minor/juvenile mother and her newborn child are at risk.

57. The Prosecutor General of the Republic of Bulgaria has been referred to on the increased number of cases where regional prosecutors refuse to prosecute people cohabitating on a conjugal principal with minor or juvenile girls. The ethnic origin of the persons has been stated as reason, since these are cases of Roma population and are within their traditions and customs. As a result of the actions taken by the State Agency for Child Protection in December 2010, the Prosecutor General issued Methodological Guidelines for improving the prosecutorial activity in the institution and termination of criminal proceedings pursuant to article 151, paragraph 1 and article 191, paragraph 3 of the Penal Code. They were addressed to the administrative heads of the district prosecutor's offices in the country. They should organise the examination of and compliance with the methodical guidelines and perform periodic checks and audits of the district prosecutor's offices.

58. The Executive Director of the Social Assistance Agency has issued methodical guidelines addressed to all social assistance directorates/departments for child protection in the country with the instructions to report all cases of cohabitation on a conjugal principal to the respective district prosecutor's office. The undertaking of quick and adequate actions for protecting the best interest of minor or juvenile girls is part of the competences and powers of the departments for child protection under the directorates for social assistance.

59. Measures were taken for early reporting of minor and juvenile pregnant girls and mothers by GP's and health institutions. On this matter, the country is cooperating with NGOs and the Roma communities. As result of the measures taken, the social work in the traditional and marginalised Roma communities has been increased and administrative penalties have been imposed. Furthermore, a program for prevention has been undertaken by the educational representatives in these communities,. The Regional Strategies for Development of Social Services (2010-2015) include activities for prevention of early marriages. The possibility for reducing the minimum lawful age for medical treatment without the parents' consent was widely discussed during the debates of the draft Child Protection Act. The parents' organisations, the inquired children, as well as a large part of the professionals, were strongly against this possibility.

Response to issues raised in paragraph 8 of the list of issues

60. The National Commission for Combating Trafficking in Human Beings (NCCTHB) works actively with vulnerable groups, especially with the Roma community. It is taking all necessary preventative measures in order to reduce the number of victims of trafficking in human beings, for the purpose of labour and sexual exploitation, by launching and implementing annual campaigns for prevention of trafficking in human beings. The NCCTHB is also working with young people who will train their peers on how to prevent human trafficking.

61. Gaps in the legislation have been overcome by legislative amendments in the substantial law, regulating the criminal prosecution of human trafficking and the prevention and protection of victims. They are in line with the international agreements to which Bulgaria is a party.

62. For the purposes of transposing Directive 2011/36/EU of the European Parliament and the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims into the domestic legislation, a new provision in the Criminal Code, Article 16a, introduced in the Bulgarian law the requirements that Member States shall, in accordance with the basic principles of their legal systems, take the necessary measures to ensure that competent national authorities are entitled not to prosecute or

impose penalties on victims of trafficking in human beings for their involvement in criminal activities which are a direct consequence of them being subjected to trafficking.

63. Through these amendments certain additions were made to the elements of the offences concerning trafficking in human beings: begging was added as an individual purpose of trafficking (Article 159a, para 1 Criminal Code); and graver punishment (aggravated offence) where trafficking in human beings has been committed by an official in executing his/her duties (Article 159a, para. 2, item 7 Criminal Code).

64. Other amendments made to the Criminal Code have been triggered by the growing phenomenon of trafficking in human beings for the purpose of tissues, cells and bodily fluid, which were introduced as new forms of trafficking in human beings.

65. Regarding the amendments proposed and endorsed in the Child Protection Act, the scope of persons eligible for protection under the Child Protection Act has been expanded to include victims of violence or exploitation, whose age has not been determined but the specific circumstances of the case allow to reasonably presume that the victim is a child. Thus, there is no longer any obstacle to undertake protection measures, where necessary, in relation to the child until his/her age is determined.

66. In accordance with Article 14, § 1 (second proposition) of Directive 2011/36/EU of the European Parliament and the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (OJ, L 101/1 of 15 April 2011), the State obligation to provide education has been expanded to include also the trafficking victims' children and not only child victims of trafficking themselves. This addition also solves the practical problem of separating the victim from her/his children in cases where the victim has been placed under the Combating Trafficking in Human Beings Act in a city different from his/her usual residence.

67. Better identification and self-identification among victims, the application of the Standard Operating Procedures (SOPs) which are part of the National Mechanism for Referral and Support of Trafficked Persons in Bulgaria (adopted in 2010) have enhanced the identification of trafficked persons.

68. The referral mechanisms for victims of trafficking and for care in cases of unaccompanied children and children – victims of trafficking returning from abroad, have been developed. A National Council for Assistance and Compensation to Victims of Crime, including trafficking in human beings has been established; victims are entitled to free legal aid, and compensation in criminal and civil proceedings. In 2011, a Network of volunteers to help victims of trafficking in human beings (including Roma leaders-volunteers) was also established.

69. In order to strengthen the prosecution of perpetrators of trafficking in women and children and to ensure effective sentences for those guilty of this crime, the Government of Bulgaria has taken the following measures:

- Conducting the investigation through different tactical methods according to the specific case: reactive (provoked by the victim), proactive (appeared in the process of gathering operational data initiated by the police) and breakthrough (interagency investigation)
- Conducting parallel financial investigation with a view to identify, freeze and consequently to forfeit the assets acquired by trafficking
- Improvement of interaction with the respective authorities of other states in investigation transnational forms of trafficking (external trafficking) through the usage of international instruments for mutual legal aid: exchange of information,

joint investigation teams, techniques for collecting and securing evidence, undercover agents, transfer of criminal proceedings, request for extradition and European arrest warrant

- Improvement of the law enforcement authorities' capacity to work with women and children victims of trafficking in order to build confidence and create the right conditions for cooperation with the judicial system. The implementation of the best practices of relations with the victim-witness based on the following requirements:
    - Professional and careful attitude towards the victim with full respect of her/his human rights
    - Creation of the right conditions for statement giving in a way that minimizes the trauma provoked by the process. Questioning should be done through videoconference and in case of children – in specially adapted spaces, called "blue rooms"
    - During the investigation, maximizing the potential of the victim's assistance with a view to achieving effective sentences for the perpetrators
    - Periodic summary, analysis and discussion of the judicial practice in order to overcome the reasons that have led to acquittals
    - Conducting training to increase the competence of law enforcement authorities in combating and detecting crimes related to women and children trafficking

70. The bilateral and multilateral cooperation with the countries of destination has been approved and the cooperation within Europol, Eurojust and the Bureau SIRENE has been further strengthened. Bulgaria is participating in joint teams on trafficking in human beings with several EU MS (France, Germany, the Netherlands, etc.). An operational real-time exchange of information for possible victims and their traffickers is performed with the police authorities of the EU MS. Common contact centers have been established at four of the Bulgarian five borders for real-time information exchange, including the cases on trafficking in human beings.

71. The NCCTHB is the coordinator for a joint biannual project with France: "Prevention of Trafficking in Human Beings of Persons Belonging to Ethnic Minorities with Focus on Roma in Bulgaria". NCCTHB, together with the Romanian Agency against Trafficking in Human Beings, are partners in a project, entitled "Reducing the Number of Romanian and Bulgarian Victims Trafficked into Spain and Italy" and are currently working on the project "Integrated approach for prevention of labour exploitation in origin and destination countries". Other partners are NGOs from Greece and Cyprus, the Ministry of Interior of Hungary and the Ministry of Interior of FYROM.

72. Together with the Ministry of Interior of Portugal, the NCCTHB participates in the project "Towards Pan-European Monitoring of Trafficking in Human Beings". The project "VICTOR" is implemented in the area of trafficking in human beings, in cooperation with international organisations, 15 government institutions and NGOs from 7 countries – Slovenia, Romania, Bulgaria, Greece, Serbia, Moldova and Ukraine. Bulgaria is among the leading countries in the implementation of the EMPACT project of Europol, rated as one of the most successful to date.

73. Within the Danube Strategy, a Regional conference was held on combating trafficking in human beings. Eight countries from the Danube Region took part. The beginning of an exchange of ideas was set on the opportunities to develop projects with added value especially for cooperation in the region. Bulgaria, jointly with Spain, France,

the Netherlands, Greece and Romania, participates in the project "Elaborating Common Guidelines and Procedures on Identification of Victims of Trafficking in Human Beings".

74. In the period under review, a total of 413 new file cases and pre-trial proceedings have been reported for trafficking in human beings. 241 prosecutorial statements have been filed at court and 322 were the sentenced persons. The official statistics provided by the Supreme Prosecutor's Office indicates that for 2013, 540 Bulgarian citizens victims of trafficking in human beings were identified, 476 out of whom are women and 64 men. The Republic of Bulgaria pays special attention to the trafficking in human beings and acknowledges the need for further strengthening of the legal framework and the entire state policy.

Response to issues raised in paragraph 9 of the list of issues

75. On 31.07.2015, a draft Natural Persons and Support Measures Act, and the motives thereto, were published for public discussion on the official website of the MoJ.

76. The purpose of the draft act, on the one hand, is to empower and achieve autonomy for people with disabilities as holders of rights. On the other hand, it aims at evoking the liabilities of institutions and any third parties obliged to guarantee the effective and actual exercise of rights by people with disabilities.

77. The draft act contains all principles and standards, provided in Article 12 of the Convention on the Rights of Persons with Disabilities. Moreover, a fundamental value change is introduced in the regulation of capacity, with full coverage of the recommendations for legislative reform as given in General Comment No. 1 (2014) by the United Nations Committee on the Rights of Persons with Disabilities. The draft act provides for the state to develop support mechanisms for everyone to enjoy their rights independently, including those with disabilities, so as to enable them to operate on equal basis with others, in accordance with their will, values, preferences, and to make their personal choices.

78. This draft act puts forward several specific goals:

- Developing support measures to ensure that persons who have difficulties in carrying out specific legal actions shall obtain the necessary support in order for them to enjoy their rights independently, according to their will and preferences, without substitution of their will.
- Providing for guarantees and safeguards to simultaneously respect the will and personal choice of each individual, to protect them in situations containing serious risk of irreversible damage, and to protect the interests of third parties.

79. The draft act suggests provisions that are new to the Bulgarian legislation, such as: providing support in carrying out specific legal actions; support in decision making and safeguards in risk situations; collaborative decision making, etc. There are also provisions regulating the powers of the authority responsible for supported decision making, that is, the municipality mayor. In essence, this constitutes a repeal of the provision for incapacity (limitation of capacity) and its replacement by a body of measures to support individuals with difficulties (disabilities) to enjoy their rights independently.

80. In the measures proposed supporting the exercise of rights, there is a provision regarding a new understanding about the person and his/her capacity to exercise his/her rights independently.

81. The obligation to replace the regimes for substitute decision making – full and limited incapacity – with a regime of supported decision making requires simultaneous repeal of the provisions for substitute decision making and the development of safeguards.

The supportive measures are regulated in a way that respects the rights, wishes and preferences of people with disabilities. There are provisions for guaranteeing protection from substitution in decision-making. The draft act also provides that the purpose of the support for each case will be to reveal the will and preferences of the supported person or to create conditions for such will and preferences to be manifested or interpreted to the clearest degree possible.

82. The new tools for personal exercise of rights are based on the concept of a trusted relationship as a specific means to express the will of the disabled person. The trusted relationship is a relationship between two or more persons, based on mutual trust and understanding. The law determines criteria that characterise a trusted relationship and constitute its minimum content.

83. A very substantial element in the draft law is the regulation that, as far as personal rights are concerned, the support forms are excluded and such rights are enjoyed independently, after proper counselling. These include entering into marriage, dissolution of marriage, writing a will, entering into a partnership, as well as enjoyment of reproductive rights.

84. Part of the regulation of the supportive measure is to guarantee the avoidance of conflicts of interest and undue influence between the supporter and the supported person. Safeguards are also being provided for protection against conflicts of interest and exercise of undue influence.

85. Since the measures will only be applied to actions with legal consequences, they shall be determined by court. Their sequence should be observed, as well as the condition that any possibilities under the respective previous measure are to be exhausted under special judicial procedure. The judicial procedure to determine such measures is viewed as a general safeguard against the following risks: unjustified claims to impose a measure, risk of imposing a measure that does not correspond to the individual needs of the person, risk of abuse with the person's condition on the part of the claimant. It also establishes a guarantee that using of the respective procedure is only for the purposes of providing timely support in accordance with the established needs of the individual.

86. The draft act provides for special proceedings to determine safeguards in risk situations. This procedure, in essence, is a safeguard to guarantee that a person in a serious crisis will not be left without the opportunity for support and will not suffer irreversible personal and financial losses.

Response to issues raised in paragraph 10 of the list of issues

87. As stated above (as response to paragraph 4), the extended powers of the Ombudsman include, amid others, the protection of the rights of the child. He/she has special authorities to supervise and monitor all relevant institutions. Furthermore, the civil society sector is completely free to conduct researches and oversee the bodies responsible for the protection and well-being of children.

88. The rights of the child are a priority for Bulgaria and the Government's work is very active, especially in the area of deinstitutionalization. The reform in the area of child protection, an essential part of which is also the deinstitutionalization process, entails a lasting tendency of declining number of children raised in specialized institutions. Purposeful work is performed toward closing the child facilities and, along with that, for developing new social services.

89. In the five recent years, the policy of providing support to children and families has been aimed at introducing a completely new approach in child care for the purpose of

prevention, early intervention, support to families and securing of a family or near-family environment for each Bulgarian child.

90. Even though, there is still much to be done, there has been a qualitative change in the system for rendering care to children and their families. The ongoing activities are aimed at the social inclusion and involvement of all children, as well as at replacing the institutional care with community-based care, care in a family or near-family environment. In this context, a number of alternative forms and services are launched in the community in support of children and families at risk. The most successful measures leading to significant reduction in the number of children raised in specialized institutions are measures for abandonment prevention, reintegration of children in their biological families, placing them with families of relatives and friends, with foster families or for adoption. In 2014, the total number of children placed in families of relatives was 6,711; 2,231 children were placed in foster families and the total number of approved foster families was 2,249. A progress was made for development of Social Services for children. The network of Social Support Centres was further developed.

91. The reintegration of children placed in institutions, is of utmost importance for the implementation of reforms related to the transition from institutional care to community support. In this regard, it should be noted that work on reintegration is a long and consistent process. It is implemented in close collaboration and cooperation between the authorities for child protection and the children's parents.

92. The active work on deinstitutionalisation of children with disabilities has continued. 36 specialized institutions were closed and 103 new social services for children were opened. By the end of 2015, 10 institutions are to be closed and by 2025 – the remaining institutions for mentally disabled children, together with 1 institution for physically disabled children. The process is further enhanced by closing the institutions for children deprived from parental care.

93. In 84 pilot schools, teams of specialists have been formed (psychologists, resource teachers, logopedists, teachers for children with impaired vision and hearing-speech therapists); 84 resource cabinets were furnished and equipped. Under the National Programme "Creation of Accessible Architectural Environment", 39 schools were reconstructed. A model of comprising training of 1654 students with special educational needs is built. Supportive environment is being built in pilot kindergartens and general education schools near the mixed type accommodation centres and protected homes. Psychologists, speech-therapists and resource teachers are appointed to work with the community in the settlements in order to change their attitudes and prepare the institutions for the children's inclusion. In 2014, 10 pilot general education schools and 1 kindergarten were approved, and 64 children and students were included in education. The specialists participating in this activity numbered 35 in total.

94. A new model of organisation and functioning was experimented at IV-th auxiliary school in Sofia, aimed to provide education to children with serious and multiple disabilities. The aim is to work towards the mastering of new knowledge suitable for the individual capacity of every child. 6 specialised school rooms for work with children with serious and multiple disabilities were newly built, renovated and equipped with necessary equipment and materials; 32 specialists were appointed; a draft new curriculum related to the new model of operation of the school was developed.

95. Between July and September 2015, a study on the process of deinstitutionalization was conducted by the SACP. The main accomplishments are:

- A major part of the children have been taken out of institutions into a family or similar to a family environment

- Local networks of alternative residential and assisting services have been set up
- New methods to combat abandonment have been created
- The partnership between the health care, social assistance, and education sectors has been ameliorated
- There is an improvement of the capacity of local specialists
- Society has been widely informed on the aims and principles of deinstitutionalization, and supports it completely
- An expert community has been created, comprising administrative, professional and civil experience

96. Between May and September 2015, by Decree of the Council of Ministers, 8 homes for medico-social child care were declared for closing by 1 October 2015. The children are to be transferred to special residential centers of a family type, while taking into account the children's specific needs.

97. As of 31 July 2015 there are 78 specialised institutions (137 in 2009) with 1,932 children (7,587 in 2009). Currently, 94 children are placed in 11 houses for children with disabilities (mental and physical), as opposed to 1,386 children in 25 houses in 2009.

Article 3

Response to issues raised in paragraph 11 of the list of issues

98. The domestic legislation, of which the 1951 Convention relating to the Status of Refugees and the Optional protocol thereto are an integral part, provides for the full protection of the rights of persons seeking international protection. On 10 June 2015, the Bulgarian Government adopted a National Strategy on Migration, Asylum and Integration for the period 2015-2020. It is aimed at creating a comprehensive and stable legal and institutional framework for the proper governance of legal migration and for the prevention of illegal migration, for integration of and care for the persons seeking international protection, and those who have been granted asylum or refugee status in Bulgaria.

99. With reference to previous concluding observations, we would like to convey that the Ordinance for the Responsibilities and Coordination between State bodies on the implementation of Regulation (EC) 343/2004 of the Council, Regulation (EC) 1560/2003 of the Commission, Regulation (EC) 2725/2000 of the Council and Regulation (EC) 407/2002 of the Council, was amended on 18 November 2011 and 17 November 2015. Following the amendments, Article 16 provides that every foreigner who has entered the state illegally and has declared himself "in need of international protection", shall be immediately transferred from the Border Police authorities to the State Agency of Refugees (SAR).

100. To the persons seeking international protection is ensured access to the territory of the Republic of Bulgaria and to the procedure for granting asylum in accordance with Regulation (EC) № 562/2006 of the European Parliament and the Council of 15 March 2006.

101. The procedure for acceptance of aliens, their examination, administrative processing, distribution and sending for accommodation by other competent institutions takes place in compliance with the operative national legislation, fully complied with the EU legislation and the international legal instruments, to which Bulgaria is a party.

102. Since the summer of 2013, Bulgaria has been facing an increased pressure by mixed migration flows, following the crisis in Syria. As a result of the sharp increase of the

refugee flow at the end of 2013, an Operational plan was signed, providing expert, technical and operational assistance from EASO to Bulgaria. The financial assistance was designed to increase the capacity of the reception centres (RC), to improve the initial adaptation of the asylum seekers, and to meet the minimum living conditions standards of the EU and UN in the newfound Regional Refugee Centre (RRC). In 2014, the State Agency for Refugees granted a total of 1,838 humanitarian and 5,162 refugee statuses.

103. For consolidation of the administrative capacity, improving the efficiency and quality of management of the work in the SAR, as well as in order to provide optimal conditions for the implementation of the Procedure for granting international protection, the number of the Agency's staff has been increased numerous times. Currently, there are 403 employees to the SAR.

104. Furthermore, the Pastrogor transit was opened in 2012. The European Refugee Fund (ERF) Annual Programme 2013 for Bulgaria was revised by introduction of emergency measures for financing. During the second half of 2013, the Registration-accommodation centre in Harmanli was opened. More than 40 contracts were executed, 7 of which were related to construction and repair activities. The implementation of the emergency measures has set the ground for the future management of crisis situations. Facilities and infrastructure, providing capacity for 5,130 people, have been constructed. Conditions providing the basic living needs (health and hygiene, basic utilities, feeding), access to medical care and to the asylum procedure for the accommodated persons have been established.

105. Reconstruction, expansion and modernisation of the existing premises for accommodation at the Regional Directorate "Border Police"- Elhovo have been carried out. They further included refurbishment of existing premises and their setting apart into premises for accommodation for vulnerable people (mothers and children) and additional bathrooms. In connection with the increased migration pressure on the Bulgarian-Turkish border in recent years, a Grant Agreement HOME / 2012 / EBFX / CA / EA / 3001 on the Project "Support to deal with Migration Pressure on the Bulgarian-Turkish Border – Emergency Measures" has been signed. Under the Grant Agreement, the following activities have been funded:

- Maintenance and repair of the premises for accommodation
- Providing conditions for residence and covering the basic needs of accommodated persons – funds have been provided for utilities, sanitary packages, food, cleaning, etc.

106. The process for examining an application for protection, including collecting evidence and drafting the minutes of the interviews, is done entirely in compliance with the national and international legislation, as well as with the European Union law. All evidence shall be filed with registration number, translated and taken into account when deciding on the application for protection. For each conducted interview with a candidate for protection, a protocol is drawn up. The interview takes place in the language preferred by the foreigner. The protocol is read to the alien and signed by him, the translator (or the interpreter), and the interviewer.

Medical care for asylum seekers

107. Emergency medical care and primary health care are provided free by doctors at the Medical Units of the Medical Institute – Ministry of Interior and the Emergency Centres to the Ministry of Health. The hospital treatment is performed by the Multi-profile Hospital for Active Treatment – MoI and the municipal hospitals in Burgas, Yambol, Haskovo, Elhovo and Svilengrad, with which the Medical Institute – MoI has concluded contracts for their attendance.

108. In conformity with the Best European Practices and in order to guarantee the rights of aliens, physicians and psychologists are working in the Special House for temporary accommodation of aliens and the Distribution Centre – Elhovo. They give psychological consultations. In the Special House for temporary accommodation of aliens and the Distribution Centre – Elhovo Medical Units are functioning 24/7.

109. The medical care for accommodated persons includes: providing primary out-of-hospital medical care; performance of preventive rehabilitative and hygienic anti-epidemiologic activity to maintain and strengthen the physical and mental health of aliens and directing them for specialized medical care or stationary treatment in institutions for out-of-hospital and hospital activity. The aliens undergo compulsory medical checks at the accommodation, as well as at their release from the Centres of the Directorate "Migration". Besides these compulsory checks, the medical specialists assist each accommodated alien, who addresses them for medical examination. Medical examinations are provided to aliens also upon proposal of the officials from the House staff, who work daily with them and have supervision over their health status.

110. In case of emergencies, medical assistance to aliens is provided by the team for emergency medical service on the territory of location of the Special Houses for temporary accommodation of aliens and Distribution Centres, and until arrival of the team for possible life-saving and life-supporting measures.

111. Given that illegally residing aliens do not have health insurance, all funds for their treatment are ensured by the budget of the Ministry of Interior. The Medical Institute – MoI organizes the provision of prenatal, perinatal and postnatal care in hospitals of the Ministry of Health, with which the Medical Institute – MoI has concluded a contract.

112. Since 1 February 2014, nutrition of those in need of protection in every centre of the State Agency for Refugees is organized. From 1 January 2015 every person is being provided with three warm meals a day.

113. Three laundry facilities and three kitchens in the new regions of the Registration and Reception Centre in Harmanli and the Registration and Reception Centre in Sofia (Vrajdebna and Voenna Rampa) were repaired and equipped.

114. The state has been working towards improving the medical care of those in need of protection. During the procedure for granting international protection, all foreigners are health insured under the State budget, equally with Bulgarian citizens. All Registration and Reception Centres have medical cabinets and medical staff has been employed. During registration, all foreigners undergo compulsory medical examinations.

115. The Chief Directorate of the Border Police cooperates actively with UNHCR and the Bulgarian Helsinki Committee (BHC). Representatives of UNHCR and BHC monitor all borders and accommodation facilities for persons detained for 24 hours at the border. Access to these places is provided without prior notification or permission. The UNHCR Representative in Bulgaria organizes training with the participation of representatives of SAR and of NGOs, as well as of psychologists. Special attention is given to issues related to the respect of human rights and police ethics.

116. UNHCR provides information brochures on the procedures for the provision of protection in Bulgaria and on the rights of the persons seeking protection. These materials are issued in different languages and they are available in the Border Crossing Points and the accommodation facilities. Free legal consultations and qualified legal assistance is provided to foreigners seeking protection who are at the facilities for police detention in the structures of the CDBP. A mechanism has been established for accelerated transfer of foreigners from the vulnerable groups to the SAR. Interpreters from rare languages are provided, including, in case of necessity of medical and psychological consultation.

117. Primary education for children who seek international protection is provided at the request of their parents or with the assistance of a social expert from SAR. All children have the right to education. Children who go to preschool and first grade schools are enrolled directly. There is formal requirement to complete a Bulgarian language course for all other children. The courses are provided by NGOs. Refugees acquire knowledge in the Bulgarian language, in culture and professional training. Thus, they enjoy a social protection package. Information on the integration process is available in English, Arabic, Persian and Dari.

Response to issues raised in paragraph 12 of the list of issues

118. Bulgaria is mainly a transit country for mixed migration flows. Most of these persons do not wish to remain in the country and cannot be forced to do so. Bulgaria is committed to integrating and supporting those who express their will to stay, while taking the necessary precautions regarding our national security.

119. Bulgaria, as a responsible member of the international community, an EU Member State and a state party to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol, strictly observes its commitments towards asylum seekers. We pay particular attention to the fundamental principles of the Convention – non-discrimination, no punishment on account of illegal entry or stay, prohibition of expulsion or return ("non-refoulement"). The competent authorities of the Ministry of Interior strictly observe the principle of non-refoulement.

120. The Bulgarian government applies an open and transparent policy and a complex and balanced approach for addressing the difficult situation. All border crossing points (BCP) are open and accessible 24/7. The border control has been strengthened, inter alia by the deployment of additional police officers and technical equipment, in line with the Schengen catalogues and the integrated border management model of the EU. The objective is to prevent illegal migration and in the same time to encourage the asylum seekers to use safe routes.

121. A key element of the national policy is implementing the obligations under the EU legislation and the international legal instruments in the field of fundamental rights and asylum, including the principle of non-refoulement.

122. With regard to the foreigners arriving at the border, the Chief Directorate of Border Police (CDBP) is strictly complying with the European acquis, as well as the national legislation on border control, respect for human rights, allowing access to Bulgarian territory of persons who seek international protection and the principle for non-refoulement.

123. Every person can state before the border police officers the will to be granted with international protection in the Republic of Bulgaria and to receive enough information concerning their rights.

124. The officials of the Ministry of Interior that are working at BCP, as well as these responsible for the surveillance at green border, are trained on issues related to the respect for the fundamental human rights, especially in cases of asylum seekers. With the support of UNHCR, the BHC, the Bulgarian Red Cross and the SAR, trainings are held every year on Access to territory and Procedure for granting refugee protection in Bulgaria, as well as on Vulnerable Groups.

- For the purpose of respecting the non-refoulement principle, instructions have been sent to all BCPs concerning the way to file an application for protection in Bulgaria before the officials at BCP
- Special attention is paid to the screening of asylum seekers in view of identifying vulnerable persons and persons with specific needs. Under various programs the

border police officers are trained in the identification of vulnerable groups and groups in risk, as well as in the rules for proceeding with persons identified as potential victims of persecution in their country of origin

- All officials deployed at the green border are given initial instructions (briefing) in order to get acquainted with the situational picture at the border area and the general HR principles
- In the daily instructions special attention is also paid to the strict respect for the rules for use of weapons, auxiliary devices and physical force

125. Everyday control by higher rank police officers is exercised in relation to the instructed measures for the execution of service activities.

126. Another guarantee is the support provided by Frontex, as well as the fact that all procedures towards apprehended third country nationals are executed in the permanent presence and with participation of guest officers. During the interviews, persons who seek protection have direct opportunity to declare the cases related to intolerant, unprofessional or other illegal or offensive behaviour. All such cases are directly reported to the Frontex Agency.

127. For greater transparency, the access for BHC regional monitoring teams is provided without preliminary notification. The representatives of BHC issue annual reports on the monitoring performed at the border. Additional supervision is performed by UNHCR teams.

128. In view of increasing the control over the border police patrols, it was decided in February 2015 that joint teams of representatives of the Chief Directorate of Border Police, UNHCR and BHC will perform unannounced checks for verifying the respect for the non-refoulement principle and providing access to territory of the asylum seekers.

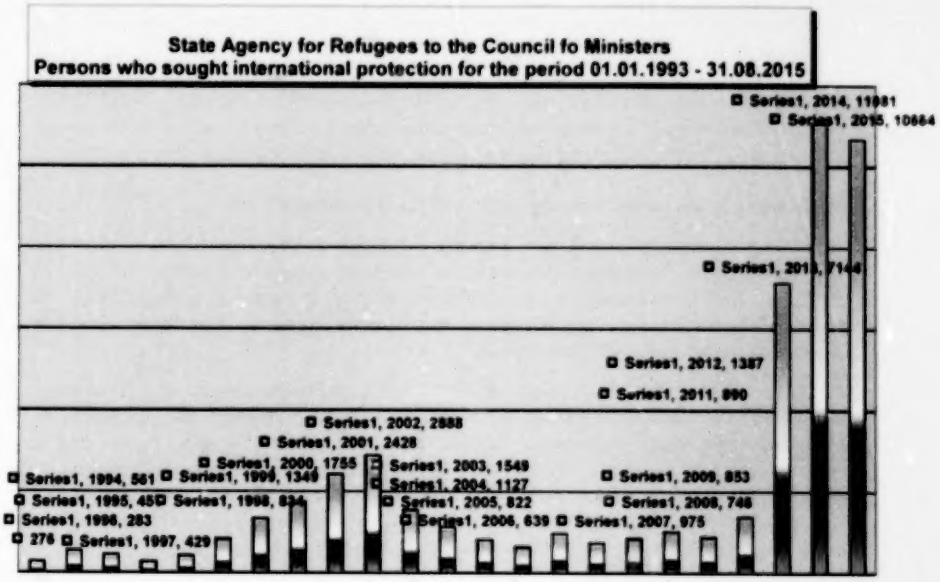
129. The European Commission, EASO and UNHCR have noticed significant progress in Bulgaria with regard to the registration, the processing of requests for international protection and the overall reception conditions.

130. Regarding the in-country right of appeal, under the European and national legal framework, during the appeal of a refusal to be granted international protection, a foreigner shall be subject to refusal or deportation if there is reason to believe that he/she poses a danger to the national security and society or he/she was once convicted by virtue of a decisive judgment of a serious crime.

131. Interpreters in/to rare languages have been provided, including, in case of necessity of medical and psychological consultations. Furthermore, in April 2010, a new Paragraph (3) was added to Article 55 of the Criminal Procedural Code expressly granting a new right to the accused: "A defendant, who does not speak Bulgarian, shall have the right to interpretation and translation in criminal proceedings in a language he/she understands. The defendant shall be provided with a written translation of the decree for bringing the accusations, of the court rulings for a constraint measure, of the act of indictment, of the judgment delivered, of the decision of the Court of Appeal and of the decision of the cassation instance. A defendant shall be entitled to refuse written translation pursuant to this Code where he/she has a defence counsel and his/her procedural rights are not being violated." Those rights also apply to asylum seekers.

132. Since the beginning of 2015 until 05.11.2015, there have been 87,477 attempts of third-country citizens to cross the borders of the state. For the same period, 26,593 foreigners without registration have been apprehended by the MoI bodies.

133. From 01.01.2015 to 05.11.2015, 712 illegally residing third-country persons were deported.



134. Between 01.01.1993 and 30.10.2015 the top 5 countries in terms of number of filed applications for international protection are as follows:

- Syria – 17.061
- Afghanistan – 13.549
- Iraq – 11.396
- Persons without citizenship – 2.024
- Armenia – 1.916

135. The top 5 countries of origin in terms of number of filed applications from 01.01.2015 to 30.09.2015 are as follows:

- Syria – 5.509
- Iraq – 5.259
- Afghanistan – 4.447
- Pakistan – 460
- Iran – 160

136. Information on the number of persons that have been granted refugee status or humanitarian status by country of origin between 01.01.2009 and 31.10.2015 can be consulted in Annex 1.

Response to issues raised in paragraph 13 of the list of issues

137. The SAR has been unable to find any information on a person named Youssef Kayed. Thus, no follow-up can be provided.

138. Regarding Moussa Kamel Ismael, he has filed an application on 19.08.2009 and has been registered on the same day as Муса Камел Исмаил, a person without citizenship. The Chairman of the SAR has refused to grant him refugee status or humanitarian status of a foreigner. On 01.12.2010 the Supreme Administrative Court (Three-Member Panel) has rejected the complaint against this refusal. The Supreme Administrative Court's Five-Member Panel ruled in favour of the first instance court, that there are no preconditions for granting status to Mr. Ismael. He has not filed any subsequent applications for protection.

Response to issues raised in paragraph 14 of the list of issues

139. In the reported period, the Republic of Bulgaria has signed and ratified the Convention on the Reduction of Statelessness. The state has made reservations to article 7, par. 2; articles 21 and 23; article 24, par. 1, letter "b", par. 2 and par. 3; and articles 27, 28 and 31 of the Convention. The reservations arise from requirements of the national and EU legislations, which cannot be transformed.

140. For fulfilment of the obligations under the Convention, amendments have been introduced in the Bulgarian legislation. In particular, in the Foreigners Act, the notion of foreigner/alien has been expanded. Under the Act, a foreigner/alien "is also a person who is not a citizen of any country in accordance with its legislation". When a stateless person has submitted a request for refugee status, he/she shall have the same rights and obligations as Bulgarian nationals. Upon receiving a humanitarian status, those persons shall have the rights and obligations of permanently residing in Bulgaria foreigners.

141. Within the Intergovernmental working group under the Ministry of Justice for implementation of the abovementioned Convention, a decision has been approved for the status of "stateless person" to be granted by a unit within the Ministry of Interior.

142. New amendments to the Foreigners Act are to be considered by the Council of Ministers by the end of 2015. They concern granting status to a person without citizenship, as provided by the Ratification Act for the Convention on the Reduction of Statelessness. The Ministry of Interior is responsible for drafting the said amendments and for their future implementation.

Articles 5, 7 and 8

Response to issues raised in paragraph 15 of the list of issues

143. A thorough analysis of the compliance of Bulgarian legislation with the provisions of the Convention against Torture has been conducted. The issue concerning the introduction into the Bulgarian legislation of legal measures to provide for jurisdiction over offences referred to in article 4 of the Convention for all acts of torture and not only those amounting to war crimes, will be considered.

Article 10

Response to issues raised in paragraph 16 of the list of issues

144. Since the beginning of 2015, the educational content of the programme for initial professional training for penitentiary staff has been fundamentally revised in response to the recommendations given in the latest CPT reports.

145. A separate human rights training module has been introduced, consisting of 16 training hours. It highlights the international legal acts that regulate human rights and the prohibitions of torture. The European Convention for the Protection of Human Rights and

Fundamental Freedoms, as well as the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment are examined in details.

146. Upon performing regular visits, the CPT reflected in their reports cases of unlawful use of physical force and auxiliary means by the monitoring and security staff in respect of prisoners. It has been reiterated on multiple occasions that according to the European and the Bulgarian legislator, any punishment and the enforcement thereof shall not be aimed at causing physical suffering and humiliation of the human dignity. In this regard, actual cases from the practice are presented, to be resolved by the trainees, who are required to make decisions and react in various situations, preferably without using physical force.

147. The evaluation of the effectiveness of the training is done during a theoretical and practical examination. It is conducted by a Commission, appointed by the Chief Director of GDES (Chief Directorate "Execution of Sentences"), with the participation of the Heads of the territorial units. The trainees present their knowledge and demonstrate their practical abilities before the Commission. Over the last three years more than 500 employees have been participants in this initial training, with just three of them failing to finish the training successfully, resulting in termination of their employment contracts.

Response to issues raised in paragraph 17 of the list of issues

148. Representatives of the Ministry of Interior participate actively in conferences, seminars, round tables and TV programmes dealing with domestic violence. Together with NGOs, a number of training seminars for police officers in this area were organized. Psychologists from the Institute of Psychology to the Ministry of Interior also took part in some of the trainings.

149. In the period January 2011 – August 2014, General Directorate Public Order and Security Police, Sofia Metropolitan Directorate of Interior and Regional Directorates of the Ministry of Interior have conducted a number of specific activities directed at the fight against domestic violence. At regional level, together with NGOs, approximately 60 projects and preventive events have been organized and over 800 police officers from Sofia Metropolitan Directorate of Interior and Regional Directorates of the Ministry of Interior underwent training.

150. In 2012, the National Institute of Justice has organized a distance-education course on the subject of "Proceedings of Imposing Measures for Protection against Domestic Violence". 21 magistrates took part in the training.

151. The Chief Directorate of the Criminal Police is implementing a project, entitled "Improvement of Administrative Capacity of Police Officers for Prevention of Sexual Crimes against Children". For the period of one year, 5 courses were conducted in the Academy of the Ministry of Interior on the topic of "Specialized hearing of children-victims or at risk of violence". A total of 115 police officers were trained. The course programme was developed within the project "Hear the Child" together with experts from the Social Activities and Practices Institute.

152. A National coordination mechanism for support and assistance to victims of domestic violence and the standards for services provided to victims of domestic violence is to be approved.

153. In partnership with local authorities, academic institutions and NGOs, various information campaigns have been launched to raise public awareness on the problem of trafficking in human beings, to develop mechanisms for its confinement and to create public intolerance to the phenomenon within the risk groups of the population, such as women, children, ethnic minorities, unemployed and people on social aid. Special trainings for teachers on conducting interactive discussions on trafficking in human beings were

carried out within the campaign "Human trafficking – time for action". Seminars for students were also organised. With the involvement of the business sector, the participation in the Code of Conduct for Prevention of Trafficking and Sexual Exploitation of Children in Tourism is being expanded. The project is implemented as a common effort by the State Agency for Child Protection, the OSCE and NGOs. The specific vulnerability of the Roma is covered by the National program for prevention and counteraction to human trafficking and protection of victims.

154. In terms of prevention campaigns for labour exploitation, it should be highlighted that campaigns targeting seasonal work have been launched. The NCCTHB organises multidisciplinary trainings for police officers, prosecutors, judges and other officials working in the field of the fight against trafficking in human beings, including journalists, teachers and educational advisers, priests, etc. On the subject of "Fight against trafficking in human beings", the Academy of the Ministry of Interior organizes courses for employees of the Ministry of Interior. In fulfilment of the Annual Programme under the European External Borders Fund, the CDBP organises trainings for its employees. In the framework of the permanent on the job training, trafficking in human beings subjects are included. Joint trainings are held at the National Institute of Justice, the Academy of the Ministry of Interior and the Diplomatic Institute to the Ministry of Foreign Affairs.

155. The project "Prevention of trafficking in human beings belonging to the ethnic minorities, with a focus on the Roma minority in Bulgaria" has been implemented by the NCCTHB in partnership with the Varna municipality, Sauchastie Association, the Bulgarian Family Planning Association and the National Network of Health Mediators. The project is aimed at reducing the number of potential victims of trafficking of Roma origin. The project further aimed at serving as a model for a comprehensive state policy for combating trafficking in human beings among vulnerable ethnic groups in Bulgaria. In the framework of the project, field work among Roma community is ongoing.

156. The Local Commissions of the NCCTHB organise local initiatives in small towns and villages, through their networks of volunteers. Activities and target groups vary every year in accordance with the specific needs of the region, but are also in line with the national campaign carried out by the NCCTHB.

157. The NCCTHB also organises parallel campaigns, depending on the trends in trafficking in human beings and the novelties in the legal regulation. In 2012, for example, a campaign was carried out in relation to Article 159c of the Bulgarian Penal Code, criminalising conscious use of sexual services from victims of trafficking.

Article 11

Response to issues raised in paragraph 18 of the list of issues

(a) By Decision No. 767/08.12.2008 the Bulgarian Government adopted a Strategy for Reforming Places of Detention (2009-2015), an Action Plan thereto, and an Investment Programme for Construction, Reconstruction and Modernisation of the Facilities of the Penitentiary and Probation System.

158. The main purpose of the strategy is to modernise and reform the penitentiary system in compliance with the European standards and to make the enforcement of the various types of sentences more humane in view of achieving the goals for which such sentences were imposed.

159. Because of the severe economic and financial crisis that followed over the next few years, the Bulgarian Government implemented strict austerity measures. As a result, the budget for capital spending was significantly reduced.

160. The insufficiency of target investments in the penitentiary system called for seeking and attracting additional sources of financial means through European programmes. Within this context, the Norwegian Financial Mechanism provides very favourable prerequisites and opportunities for achieving significant progress in the expansion, reorganization and modernization of the facilities and equipment in prisons and in the places of detention.

161. Chief Directorate "Execution of Sentences "is the beneficiary under area BG032 of the Norwegian Financial Mechanism 2009 – 2014. Project BG-15-1 –"Improvement of standards in prisons and IDFs through refurbishment of infrastructure to ensure respect for human rights" is being imp'emented within this financial assistance framework. The total budget of the project is EUR 7,058,056. The project activities include reconstruction, construction and assembly works, delivery and installation of equipment to ten locations in the penitentiary system.

(b) In order to reduce overcrowding in prisons, the management of the Chief Directorate took the following actions.

162. As a result of legislative changes, the allocation of prisoners is done not only in accordance with their permanent address, but also in accordance with their current address, in view of their regime as determined by the court. The ordinance on allocation of prisoners in prisons and prison hostels has been amended. The legal mechanisms are actively used in order to change the legal situation of individuals through application of the provision for conditional release and conditional early release (in 2013 the provision for early conditional release was applied in respect of 853 prisoners, and 2014 –in respect of 942 prisoners), as well as the methods for easing the conditions in which the sentence is being served – replacement of the court-determined regime with a less strict one, relocation of the sentenced individuals from a closed-type facility into an open-type one. The "Vit" prison hostel, part of the Pleven prison, has been transformed from an open-type prison hostel into a closed one.

163. As a result of the implementation of probation as penalty, alternative measures and early release, a strong tendency towards decrease in prison population is outlined. As of 01.01.2013 the prisons housed 9,493 persons, as of 01.01.2014 –8,834, as of 01.01.2015 – 7,870, and as of 01.09.2015 – 7,583.

164. There is active interaction between the penitentiary system and the Ombudsman institution in the Republic of Bulgaria, the human rights organisations and the NGOs. Prisons are subject to regular check-ups from representatives of the National Preventive Mechanism under the Ombudsman, and from researchers from the Bulgarian Helsinki Committee.

(c) The financial restrictions imposed in respect of the capital spending prevent fulfilling the obligations to build new prisons or to reconstruct and expand the capacity of existing ones.

165. Nevertheless, under the Norwegian Financial Mechanism, certain construction works are being implemented in the prison hostel in the village of Debelt, part of the prison in the city of Burgas, as well as in "Razdelna" prison hostel, part of the Varna prison. After they are commissioned, some of the prisoners shall be relocated there, which will solve the overcrowding problem in the two prisons.

166. The regulation under the Execution of Punishments and Pre-Trial Detention Act, regulating the implementation of a standard to secure a minimal living space per prisoner of at least 4 sq. m. shall become effective as of 01.01.2019.

(d) The established cases of corruption practices brought the necessity to develop a Strategy for Preventing and Countering Corruption in the Chief Directorate "Execution of Sentences "and its territorial units. In 2012, the Strategy was approved by the Minister of Justice and was sent to the attention of employees in all territorial units.

167. In order to prevent and fight corruption, for two years now a separate educational module has been implemented. It reviews matters related to corruption in society in general, and, specifically, in the penitentiary system. The highlight is on actions that might lead to corruption practices. Actual practice cases are being discussed. Representatives from the Ministry of Interior and from the Prosecutor's Office are invited as guest lecturers. The module is included in the curriculum not just in the initial training, but also as part of the specialised training and updating of the professional training.

(e) Reforming the penitentiary system includes as a priority improvement of the material conditions in prisons, as well as bringing the system to the international basic standards regarding the places of detention and the European prison rules.

168. The financial and economic crisis and the subsequent restrictive measures with regard to the budget postponed the implementation and application of two main standards, namely: ensuring the minimum living area of 4 sq. m. per prisoner and reaching the European standards of living and hygiene.

169. Regardless of the serious financial complications and the limited budget for capital spending, over the years, in the prisons there were continuous refurbishing works with regard to the material conditions in order to improve the living conditions of prisoners and individuals held in the places of detention throughout the country.

170. In 2014, there were a series of repair works done, funded by the budget –roof repair works of the prison in the town of Lovech, repair works in Veliko Tarnovo open-type prison hostel, part of the same prison, cells refurbishing in the Ruse detention place, renovation of the toilets and bathrooms in the penitentiary in the town of Blagoevgrad, repair works in the kitchen building in the prison in the town of Bobov Dol.

171. With funding provided by the Norwegian Financial Mechanism (NFM) 2009-2014, a new detention facility and probation services with the necessary equipment and furnishing were built and became functional in the town of Shumen. Major repair works were performed on the psychiatric department at the Specialized Hospital for Prisoners, part of Lovech Prison, as well as repair works and furnishing of the hospital kitchen facility. Also renovated is the medical centre at the prison in the town of Sliven. New equipment and furnishing has been provided.

172. Repair works were performed at the main building and the kitchen facility at the "Atlant" closed-type prison hostel in the town of Troyan, part of the Lovech prison. Major repair works are being performed, consisting of replacement of furnishing and equipment at the kitchen facility in the prison of Lovech and construction of a new kitchen facility with equipment and furnishing in the prison of Burgas. It is expected that the repair works at all three locations shall be completed by the first quarter of 2016.

173. The repair works and reorganization of the prison hostels in the villages of Debelt and Razdelna are also performed under this project. Repair works were performed in one of the corridors in the prison of Burgas, with funds provided from the budget of Chief Directorate "Execution of Sentences". The Burgas detention facility was later relocated. Also relocated was the Pleven detention facility, to a new place, part of the prison in the town of Pleven, where the detainees were provided with direct sunlight, open-space area, and toilets in the accommodation areas.

174. In relation to the recommendations by the CPT to provide prisoners with 24-hour access to toilets, major repair works are being carried out under the project, including the construction of toilets in the prison in Stara Zagora. According to the schedule, the period for commissioning of the construction site is the first quarter of 2016.

175. In execution of the same recommendation, Chief Directorate "Execution of Sentences "took actions to repair and build toilets in the prisons of Burgas, Varna and Sliven. It is expected that the projects shall be completed by the end of the second quarter of 2016 and the repair works are to be completed by the end of 2017.

176. In execution of the recommendations by the CPT, indicated in their report following their visit in 2014, that suggest relocating the correctional home in the town of Boychinovtsi to a smaller place, specifically built for this purpose, with easier access and better communications, design and repair works are being carried out at a building in the town of Vratsa in order to reorganize it to meet the needs of the correctional home. The project is prepared and pending approval in accordance with Bulgarian legislation. After relocating the correctional home to the town of Vratsa, a closed-type prison hostel is to be opened in the town of Boychinovtsi. This will decrease overcrowding in the closed-type facilities throughout the country.

(f) In relation to the provision of medical services to prisoners and detainees, medical professionals have been hired in the respective territorial units. External specialists, hired under part-time employment contracts or in accordance with the National Framework Contract, shall carry out medical services providing psychiatric and dental care. General practitioners now occupy the previously vacant positions for medical staff in prisons.

Response to issues raised in paragraph 19 of the list of issues

177. By order JIC-04-368/06.03.2014 of the Minister of Justice, a Commission was set up for evaluation of the permanent employment structure and the workload of the territorial units of GDES (Chief Directorate "Execution of Sentences"). Its aim was also to lay down propositions for evaluation of the conditions for establishing and closing down of prisons and changes in the permanent employment structure of GDES.

178. Upon preparing the observations regarding the closing of detention facilities, an analysis has been made on the following: the material conditions in those facilities, the presence of open-space areas, the number of detainees who have been at the respective facility and the number of prisoners. It further included indication of the respective number of days per person, expenses made for maintenance of the facility and expenses allocated for the prisoners, expenses for remuneration of the staff, the availability of closely located detention facilities where detainees may be relocated.

179. Presently, detention facilities have been closed in the towns of Petrich, Oryahovo, Lom, Popovo, Slivnitsa, Samokov, Svishtov, and Balchik. They were not in line with the European requirements for treating detainees, as they were underground, with poor material conditions.

180. Presently, there are 34 detention facilities functioning on the territory of Bulgaria. Pursuant to the provisions in the Frame of reference for the priorities in the management of the Chief Director of GDES, addressed to the Minister of Justice, in Chapter IV, "Organisational Measures in GDES", pt. 2, gradual relocation of detention facilities have been underway. After reorganization, construction and reconstruction of buildings and premises in the regions of the respective prisons, the following facilities have been relocated as follows:

- Detention facility –town of Burgas – relocated into a building in the region of the prison – town of Burgas.
- Detention facility –town of Pleven – relocated into a building in the region of the prison – town of Pleven.
- Detention facility –town of Shumen – relocated into the building of the newly built detention facility, renovated with funds granted under the Norwegian Financial Mechanism and by the Financial Mechanism of the European Economic Area.

181. After providing the funds for reconstruction of the premises and after construction of the facilities in line with the requirements, the detention facilities relocation is planned as follows:

- Detention facility – town of Vratsa – to be relocated to the 1st floor in the main building in the prison in the town of Vratsa.
- Detention facility – town of Sliven – to be relocated in the building on the territory of the prison in Sliven.
- Detention facility – town of Pazardzhik – to be relocated to the unoccupied floor in the prison in Pazardzhik, after construction of a separate entrance for the detention facility.
- Detention facility –town of Dupnitsa – to be relocated to the provided floor at the building of "Samoranovo" prison hostel, part of the prison of Bobov Dol.
- Detention facility – town of Kyustendil – to be relocated to the prison in the town of Bobov Dol.
- Detention facility – town of Lovech – to be relocated to one of the floors of the old hospital, part of the territory of the prison in the town of Lovech. Presently the work done consists of partitioning of the cells on the respective floor; a place to stay out in the open is established, as well as premises for procedural-investigation activities, shared and sanitary premises and premises for the prison administration. The relocated detention facility in the town of Lovech shall be commissioned by the end of 2015, while the old detention facility will be closed down.

Response to issues raised in paragraph 20 of the list of issues

182. Within the GDES departments, prisoners are accommodated by being allocated into different groups and sleeping facilities. The allocation is done after a detailed analysis and assessment, made by inspectors from Sofia Metropolitan Directorate of the Interior and a psychologist, regarding the risk of accommodating certain prisoners in the shared rooms. In the prisons that are being refurbished, the rooms hold no more than 4-6 prisoners, whereby the lesser number of prisoners in the sleeping facilities significantly decreases the risks of inter-prisoner conflicts and fights. Construction works in the prison of Stara Zagora, and in "Razdelna" and "Debelt" prison hostels are being carried out in the same way. Repair and construction works in the prisons of Sliven, Burgas, Varna, in the reformatory for juveniles and in the prison hostel, both part of the prison in the town of Vratsa are planned to be carried out likewise.

183. In all of these closed-type places for deprivation of liberty there are functioning video surveillance systems. They encompass the main corridors, dining areas and open-space areas. Video surveillance systems are also operational in some of the open-type prison hostels. Such systems shall be installed in all open-type prison hostels, and the video systems in the closed-type places for deprivation of liberty shall be upgraded until there is video surveillance in all non-residential areas, used by the prisoners.

184. The content of the curriculum included in the area of penitentiary psychological preparation is corrected, once again highlighting the view that problems should be resolved without causing physical suffering. In order to avoid such situations, emphasis is put on the importance of prevention, monitoring and use of various approaches towards prisoners and detainees.

185. Basic concepts related to the ethical conduct of employees are examined. The aim is to decrease discriminatory treatment and physical aggression in general. In accordance with the various psychological profiles of prisoners, there are situational role-playing games to develop skills in staff members to respond in an adequate manner. During such psychological trainings, the highlight is on the staff members' skills to handle conflict situations and to regulate the relationships between prisoners in order to decrease inter-prisoner violence.

186. Under project NFM-2013-BG-15-3, "Improvement of the staff competence in psychological recruitment and counselling", pursuant to the contract for the provision of grant, No. 93-00-48/20.02.2013, under the Norwegian Financial Mechanism 2009-2014, there are provisions for the "Development and implementation of a programme for prevention of ethnic violence and Roma integration". Presently, there is a specification for the preparation of a correctional programme for prevention, handling ethnic violence in prisons, tolerance towards differences and Roma integration. A research into this issue is also conducted, in cooperation with an expert recommended by the Council of Europe. By implementing this project activity, psychologists in prisons shall master techniques and skills to conduct activities under the correctional programme in service of the prisoners' needs. These skills and techniques include skills for working with difficult clients and techniques for handling intense negative emotions, provoked by inter-prisoner conflicts.

187. The statistics of the number of deaths in custody are as follows:

- In 2013, there were 32 registered death cases of individuals accommodated in prisons and places of detention throughout the country. Eight of the individuals have died during periods of discontinuation of their imprisonment, six have died in an external hospital facility, four in a Specialized Hospital for Active Treatment of Prisoners (SHATP), part of the prison in the city of Sofia, one person has died in the SHATP, part of the prison in the town of Lovech, eleven people have died in prisons, and two people have died during their home leave.
- In 2014 the individuals who have died while serving their penalty of imprisonment or during their detention under the CPC in the penitentiary facilities throughout the country were 29 in total, of whom: Seven individuals have died during periods of discontinuation of their imprisonment, five have died in an external hospital facility, eight in a SHATP, part of the prison in the city of Sofia, eight people have died in prisons, and one person has died during their home leave.

Response to issues raised in paragraph 21 of the list of issues

188. Pursuant to Art. 198 of the Execution of Punishments and Pre-Trial Detention Act, the initial special regime of prisoners sentenced to life imprisonment and to life imprisonment without parole, may be substituted with a less strict one, if they demonstrate good behaviour and have served no less than five years of their sentence.

189. Such category of sentenced individuals may be accommodated in the shared premises with other prisoners. This is done if they are placed under strict regime, after evaluation of their personality and after a decision of the Commission for the Execution of Sentences. They should participate in collaborative labour, instructional, educational, sport and other activities.

190. Under the current Penal Code, the President of the Republic of Bulgaria may, by an act of pardon, remit all or part of the penalty imposed, and he may pardon or replace life imprisonment without parole and life imprisonment sentences.

Response to issues raised in paragraph 22 of the list of issues

191. In relation to the 238 reported death cases of children in specialized institutions, 22 inspections have been conducted. In the course of these inspections, inhumane treatment of children by the personnel of the specialised institutions was not established. Some inspections concluded that in certain cases, children were buried without conducting an autopsy, the latter being attributed to loopholes in current legal regulations. Consequently, amendments to the Ordinance on criteria and standards for social services for children have been introduced and a new standard for residential services and services in specialised institutions has been adopted. Under the new standard, any specialized institution or residential service shall develop procedures for registration of death cases and shall follow a notification sequence to the competent authorities, to parents/guardians or trustees, and to the respective Social Assistance Directorate.

192. Additionally, a National Coordination Mechanism for Interaction at Work in the cases of child-victims or children at risk of violence and interaction in crisis intervention has been approved and implemented. According to the Mechanism, every institution, representatives of executive agencies and social services providers should work together by the prescribed specific procedure.

193. The system of social services in Bulgaria has been considerably developed over the past few years, thanks to the recent reforms aimed at deinstitutionalization and provision of more community-based services in a family environment for children and adults with disabilities. As a result of the successfully implemented in recent years policy of deinstitutionalization, there is a steady increase in the services provided in the community as an alternative to institutional care. The construction of a well-functioning network of social services in the community and providing quality long-term care is a top priority for the social policy of the Bulgarian government.

194. The community-based services that are provided for adults with disabilities are the following: personal assistant; social assistant; domestic assistant; day care centre for adults with disabilities; centre for social rehabilitation and integration of the elderly; social educational vocational centre; protected home; transient home; and centre for family-type accommodation for persons.

195. As the deinstitutionalization process is in its active phase, new family type services (small group homes) have been established. They provide placement for 12 to 14 children each. The number of the old residential care services is continuously decreasing – for example, as per 30.04.2015 there are 17 homes for children with mental and learning disabilities, where 206 children reside, compared to 1,797 children in 2010.

196. The national policy for persons with disabilities is implemented in observance of the set objectives in the long-term strategy. In 2012, in accordance with the mechanism for monitoring of the implementation of the guidelines for provision of equal opportunities to people with disabilities laid down in the national long-term strategy, an update was made to the Strategy on Equal Opportunities for Disabled People 2008-2015. The Strategy was adopted by the Council of Ministers on 23.05.2012 and it outlines the particular measures that are necessary to be taken in order to eliminate all barriers (psychological, educational, social, cultural, professional, financial and architectural) against social inclusion and the equal integration of people with disabilities.

197. The Strategy on Equal Opportunities for Disabled People 2008-2015 was adopted in implementation of the recommendations of the Council of Europe, the good practices of the

Member States of the European Union, the principles in the UN Convention on the Rights of Persons with Disabilities, the Standard Rules of the United Nations for equality and equal opportunities for the persons with disabilities, the UN Convention on the Rights of the Child, etc.

198. On 26.01.2012, the National Assembly of the Republic of Bulgaria ratified the UN Convention on the Rights of Persons with Disabilities, and in implementation of p. 4 of the Resolution on ratification of the Council of Ministers the Ministry of Labour and Social Policy developed an Action Plan containing measures for rendering by the Republic of Bulgaria of the legislative framework and policies in the field of persons with disabilities in compliance with the provisions of the Convention on the Rights of Persons with Disabilities. The Plan was adopted by Resolution No 868 of the Council of Ministers on 19 October 2012. The rights of people with disabilities, including mental disabilities, are a priority for the Government of the Republic of Bulgaria. Efforts in the upcoming years will be further directed towards improving their situation and everyday life, concluding the process of deinstitutionalization and increasing the level of care in institutions.

Articles 12 and 13

Response to issues raised in paragraph 23 of the list of issues

199. In the Republic of Bulgaria, the possibility for obtaining assistance and financial compensation from the State is stipulated in the Assistance and Financial Compensation to Crime Victims Act (AFCCVA). The Act regulates the terms and conditions for assistance and financial compensation from the State to victims within a certain range of severe intentional crimes against the person –terrorism; premeditated murder; deliberate severe bodily injury; fornication and rape resulting in serious damage to health; human trafficking; crimes committed on behalf of or pursuant to a decision of an organized criminal group, as well as other serious intentional offences which result in death or severe bodily injury. The authorized individuals are natural persons – Bulgarian citizens or citizens of Member States of the European Union, or foreign citizens if that is stipulated by international treaty to which Bulgaria is a party, who have suffered actual pecuniary and non-pecuniary damage. In case of death, such authorized individuals shall be the children, parents, spouse or the person with whom the victim is in actual cohabitation.

200. Art. 22 of the Ministry of Interior Act provides a prohibition of the collection of information on citizens solely on race or ethnic origin, on political, religious, or philosophical beliefs, on membership in political parties, organisations, associations with religious, philosophical, political or union purposes, as well as regarding their health or sexual life. Pursuant to the above quoted legal provisions, the information funds of the MoI, including the Human Resources Directorate of MoI, do not collect, process and store information on the employees under the indicated characteristics, including their ethnic origin, as well.

Article 14

Response to issues raised in paragraph 24 of the list of issues

201. The Assistance and Financial Compensation to Crime Victims Act (AFCCVA) regulates the terms and conditions for assistance and financial compensation from the State to victims within a certain range of severe intentional crimes against the person, including the crime of "trafficking in human beings".

202. In the period from early 2013 until now, one application for financial compensation has been received at the National Council for Assistance and Compensation to Victims of Crime to the Ministry of Justice, by a Bulgarian citizen who has been a victim of trafficking in human beings. Under the provisions of Directive 2004/80/EC, the application was forwarded to the respective decision-making authority of the Member State of the EU, on whose territory the crime had been committed.

203. For the period 2013-2014, the organisations supporting victims of crime by providing free psychological counselling and practical support under AFCCVA have provided assistance to 44 victims of trafficking. Information regarding the assistance provided by these organizations for 2015 shall be available in 2016.

204. The NCCTHB will continue working with vulnerable groups (especially with the Roma community), take the necessary preventative measures in order to reduce the number of victims of trafficking in human beings (THB) for the purpose of labour and sexual exploitation by launching and implementing the annual campaigns for prevention of THB for the purpose of labour and sexual exploitation, as well as working with young people who will train their peers on how to prevent from human trafficking.

205. In 2015, a national toll free hotline for victims of trafficking is foreseen to be launched which will serve as both prevention tool and mechanism for identification, referral and support of victims of THB.

206. In terms of ensuring victims' assistance, the NCCTHB will aim at re-opening the two state shelters for victims, as well as establishing a new service (a new programme for reintegration and empowerment of victims of THB, i.e. transition home) where victims can be accommodated while being re-integrated into society and empowered with new skills.

207. In the framework of an upcoming project "Swiss-Bulgarian Cooperation on Identification and Long-term Assistance of Children and Adults Victims of THB", a new shelter for victims of trafficking is to be established in Sofia, as well as a crisis centre for children, victims of trafficking.

208. The Crime Victims Assistance and Financial Compensation Act is in the process of being amended. If adopted, the Act foresees that victims of violence (including trafficking in human beings) shall be entitled to larger amount of compensation. It is also envisaged that the raising awareness among victims of violence will be enhanced with a number of measures.

209. The state in certain cases combines its care for victims of trafficking and of domestic violence. There is a national 24-hour hotline for victims of domestic violence. In 2011, it was used by 2,791 persons. 2,293 of the consultations were on issues directly linked to cases of domestic violence; 55 – on issues linked to trafficking of human beings, 55 – to sexual violence, and 21 – to other types of trauma. 367 of the consultations were focused on completely different issues. In 2011, 266 children have benefitted from the services provided by crisis centres in the country. As of April 2012, 75 children are placed there. They include children – victims of violence, victims of trafficking in human beings, and run away children.

210. Support to the victims of domestic violence has been also provided through the service called "Crisis Centre" (CC). When the person who is victim of violence is a pregnant woman or a person accompanied by children under 3 years of age, such persons can also benefit from the social service of the Mother and Infant Unit. A total of 15 CCs for children and adults operate around the country. In case of imminent danger to persons and children accommodated in CCs or a Mother and Infant Units, the social service provider informs the local department of the Ministry of the Interior.

211. Support services are also provided in 66 Social Rehabilitation and Integration Centres /SRICs/ through activities of rehabilitation, social and legal consulting, development and implementation of individual programmes for social inclusion etc. SRICs work in cooperation with crisis centres.

212. In 2014, the NCCTHB[1] received about 90 signal and requests for assistance for victims of THB. These signal concern more than 125 persons. 16 of the alerts were about minors and were coordinated together with the SACP.

213. Some of the trafficking cases have been transferred from the NCCTHB to the two state shelters for temporary accommodation of victims of THB. They are managed by the NCCTHB through leading NGOs in the field. The services provided follow standard operating procedures, regulated by the National Referral Mechanism for victims of trafficking (NRM). Each shelter has a 4 + 2 capacity of accommodation. In every shelter there are: social workers, a governor, and a psychologist. For the specific needs of the victims, external specialists – doctors, lawyers, etc. are engaged. Locally, the activities of the shelters are also assisted by the local CCTHBs. The victims and witnesses shall remain in the shelters until the completion of the criminal proceedings (pre-trial and trial phase). This also depends highly on the victims' willingness and readiness for re-integration.

214. Two shelters for temporary accommodation of adult women, victims of trafficking, are still in operation. They are financed from the budget of NCCTHB. As of September 2014, 15 women victims of trafficking have been placed there. For comparison, in 2013, 29 women received long-term support; in 2012 – 24 women; and in 2011 – 22 women.

215. As noted above, in the Republic of Bulgaria there are crisis centres for children victims of violence and THB, as well as mixed ones – for children and women victims of violence and THB. Almost all NGOs, that provide the "crisis centre" service, are united in the so-called Alliance for Protection against Domestic Violence. It is currently being coordinated by the Foundation Bulgarian Gender Research. Among other organisations, involved in the NRM, is Foundation Association Animus as representative for Bulgaria of the anti-trafficking network La Strada International. It cooperates with the NCCTHB on crisis accommodation of victims before their transportation in crisis centres and / or shelters, as well as on social work and assistance in hosting.

216. In assisting and supporting the victims, the NCCTHB cooperates actively with the International Organization for Migration (IOM). In many cases, destination through a program of voluntary safe return of victims of trafficking, IOM provides assistance for logistics and financing the return of Bulgarian citizens.

Challenges in dealing with victims of THB and violence

217. In both state shelters, managed by the NCCTHB and leading NGOs in the field of protection of victims of violence and trafficking, there is an increase in the number of cases where care has been given to women with mental disabilities and psychological or psychiatric disorders. It is believed that, due to the nature of their disability, the victims are more easily manipulated by traffickers. In some cases, their testimony against the traffickers cannot be taken into account in Court of Law. The prolonged criminal proceedings require a longer stay in shelters. The victims need to be very motivated if they agree to cooperate and testify.

218. Many women are with various chronic diseases, in urgent need of dental treatment and other medical interventions. A large number of the victims have no health insurance or

[1] The data in the following paragraphs is taken from the NCCTHB's 2014 annual report.

have discontinued health insurance rights. The Republic of Bulgaria pays special attention to the abovementioned problems, among others, and aims to continue and improve its work in order to ensure full protection of the victims.

Article 15

Response to issues raised in paragraph 25 of the list of issues

219. The Bulgarian legislation provides a series of guarantees, including at the highest level, against the use of statements obtained under torture as evidence in legal proceedings. Pursuant to the Constitution of the Republic of Bulgaria, no one shall be subjected to torture or to cruel, inhuman, or degrading treatment, or to forcible assimilation (Art. 29, para. 1, CRB). No one may be compelled to plead guilty, nor may be convicted solely on the basis of a confession thereof (Art. 31, para. 2 of CRB). The rights of a defendant may not be restricted beyond what is necessary for the administration of justice (Art. 31, para. 4 of the CRB).

220. The Penal Code incriminates the performance of unlawful coercive action in respect of an accused, a witness or an expert witness, in order to extort confession, testimony, a conclusion or information, while such individual performs his/her duties (Art. 287 PC).

221. The Criminal Procedure Code guarantees that no measures of coercion shall be applied except for cases herein specified and in pursuance hereof in respect to persons who take part in criminal proceedings (Art. 17, para. 1 of the CPC). The defendant shall have the right to refuse to provide explanations (Art. 115, para. 4 of the CPC) and the accusation and the sentence may not be solely based on the confessions of the accused party (Art. 116, para. 1 of the CPC).

Article 16

Response to issues raised in paragraph 26 of the list of issues

222. Bulgaria is pursuing a consistent policy aimed at preventing and eliminating any forms of discrimination and creating understanding and tolerance among persons belonging to different ethnic, religious or linguistic groups of the population.

223. Bulgaria has an adequate and solid legal framework for combating all cases of Hate Crime, Racism, Intolerance and Xenophobia. Bulgaria is a party to the core UN and CoE human rights instruments. Furthermore, there is extensive EU legislation on the matter, which the state bodies fully implement.

224. The Constitution of the Republic of Bulgaria prohibits racial discrimination in the most categorical manner. This constitutional principle has been embodied in all branches of the domestic legislation. According to the established case-law, racist motivation should be considered as an aggravating circumstance by the court in criminal offences. In cases of murder, bodily injury, cases of incitement to discrimination, violence or hatred on the grounds of race, nationality or ethnic origin, damaging of property, and forming organisations or groups with such objectives, racist motivation is set as qualifying element of the crime.

225. Although, according to the Penal Code, sexual orientation and gender identity are not explicitly defined as aggravating circumstances, there is no obstacle during the trial and in establishing the verdict such elements of the crime to be taken into account. The Bulgarian authorities note the recommendation to include the notion "sexual orientation".

226. Serious and adequate steps have been taken to boost the national legislation ensuring protection against hate crimes. Amendments to the Penal Code introduce the criminalisation of public incitement to violence or hate on religious grounds. In respect with the correct identification of "hate crimes", the prosecutor is obliged to investigate the reasons and motives of the act, even when they are not elements of the offense.

227. All hate crimes are punishable and are being prosecuted with the full capacity of the state. There is essential improvement of the interaction between the Prosecutor Office and the investigating authorities in order to identify, distinguish, and report discriminatory motive in the earliest possible stage of pre-trial proceedings. Investigating authorities coordinate their actions with the supervising prosecutor according to the Penal Procedure Code. During the investigation process, particular attention is paid to the evidences which lead to qualifying the act as such with discriminatory motive. The investigators and prosecutors have an obligation to establish the objective truth in any particular criminal proceedings which guarantees the finding of the facts, revealing a discriminatory motive, even in the absence of such a claim by the victim. The victim's omission of pointing out any circumstances concerning discrimination to the authorities does not prevent the investigation activities of identifying and establishing the motive of the offense.

228. The penal sanctions provided for offences against national and racial equality demonstrate that the legislator treats these offences as presenting a high degree of social danger. They are all punished by different terms of deprivation of liberty and public reproach.

229. Bulgarian authorities closely monitor all alleged manifestations of racism and intolerance against any person on the territory of the State, and, where necessary, resolutely take steps to punish such acts. It should be highlighted that Bulgaria has not a strong record of such acts or manifestations. However, Bulgarian authorities will continue to be vigilant, since similar developments could not be underestimated.

Response to issues raised in paragraph 27 of the list of issues

230. In the Bulgarian legislation, regarding the execution of penalties, the corporal punishment does not exist as a type of disciplinary measure and is not applied in the penitentiary facilities in the country.

231. Reforming the penitentiary system is an integral part of the process of accelerated judicial reform and effective crime combating. In general, the reform process is long and difficult due to the accumulated decades of unsolved problems and the unpopularity of the measures among the public when such measures are aimed at improving the material conditions of life of offenders in prisons.

232. However, in the recent years our country has made significant progress in the development and improvement of the execution of penalties.

Response to issues raised in paragraph 28 of the list of issues

233. Child labour is an extremely alarming phenomenon that deprives children of their fundamental rights – to be free to grow up in a family environment and to have access to adequate care and education.

234. The Constitution prohibits the forced labour and the State has developed a National Plan Against the most Severe Types of Child Labour. The child labour is allowed only after obtaining permit by the General Labour Inspectorate Executive Agency, which is the authority responsible for complying with the labour legislation.

235. The results of the labour inspections in recent years show the existence of problems with the use of employment of juveniles in the small and medium-sized business sector. In

most cases the employment of juveniles is related to seasonal work and low-skilled jobs. Persons up to the age of 18 participate in the activities of small enterprises involved in trade, hotels and restaurants, as well as in the small agricultural family enterprises.

236. Forms of child labour are mostly found in the family economy (agriculture and household labour) and the informal economy (hotels, constructions, street labour etc.). In respect of the conditions of internal labour migration for some groups of juveniles (during holidays), when they are hired at temporary jobs in small enterprises in hotels and restaurants, for production of foodstuffs and apparel, trade, construction and other, the labour inspectors have discovered some forms of discrimination when using their labour. It should be pointed out that the use of child labour in its most severe forms, in breach of the explicitly regulated bans in our national legislation about exposing adolescents to danger and harmful working conditions, was not established during the inspections.

237. The preventive measures at all levels, the effectiveness of the inspections and the control over the legal use of child labour, as well as the provision of access of children to the services and the different types of prevention in respect of their labour rights, are important factors for prevention, detection and prosecution of the violations of the labour legislation.

Other issues

Response to issues raised in paragraph 29 of the list of issues

Measures at the EU level

238. The urgent measures, undertaken at the EU level in regard to the terrorist threats, are:

- Acceleration of the initiatives for strengthening the cooperation in regard to combating the illegal traffic of firearms and in particular – the sales of armament through Internet.
- Prompt adoption of the European Directive about the Passenger Name Record (EU PNR), which will allow more efficient locating of the movement of foreign fighters.
- Taking all security measures, provided in the Schengen legislation, without limitation of the right of free movement.
- Full usage of the Common risk indicators and the Guidelines, drawn up by the EU in connection with the performance of the border control.
- Establishing in an urgent manner of an European Counter-terrorist Centre inside Europol, which shall strengthen the exchange of information and the coordination among the competent national authorities.
- Carrying on with the activities against radicalization, including in the frames of the public-private partnerships (on December, 2nd, 2015 shall take place the first European Forum with the Internet Providers).

Basic measures at national level

239. As EU Member State and active participant in the world anti-terrorist coalition, the Republic of Bulgaria carries out a purposeful, consecutive and comprehensive policy for prevention and counteraction of the terrorist threat in compliance with the strategic documents of the EU and the Resolutions of the UN Security Council.

240. Bulgaria categorically condemns terrorism in all of its forms and supports all working and effective measures for counteraction, if they lead to durable results. We actively participate in different initiatives and projects directed at counteracting terrorism and prevention of radicalization at EU and regional level.

241. A national Strategy for counteraction radicalization and terrorism is being developed and activities have been undertaken for increasing the public-private partnership with representatives of the Internet industry with the purpose of elimination of content, related to terrorist and extremist propaganda, the hate speech and instigation to violence.

Legislative changes

242. The provisions, related to the offence "terrorism" are stipulated in Article 108a, Article 109 and Article 110 of the Penal Code.

243. On 26th September 2015 these articles were amended and supplemented in order to achieve compliance with the international standards and introduce the crime of "terrorist financing". The requirements of the United Nations' Security Council Resolution No. 2178 (2014) on the threats to international peace and security caused by terrorist acts were also embodied in the Code. The amendments aim at:

- Resolving to address the acute and growing threat posed by foreign terrorist fighters, namely individuals who travel to a State other than their States of residence or nationality for the purpose of perpetration, planning, or preparation of, or participation in, terrorist acts or providing or receiving of terrorist training, including in connection with armed conflicts.
- Preventing radicalisation to terrorism, stemming recruitment, inhibiting foreign terrorist fighter travel, countering violent extremism, which can be conducive to terrorism, countering incitement to terrorist acts.
- Expressing concern over the increased use by terrorists and their supporters of communications technology for the purpose of radicalizing to terrorism, recruiting and inciting others to commit terrorist acts, including through the internet, and facilitating the travel and subsequent activities of foreign terrorist fighters. It is necessary to prevent terrorists from exploiting technology, communications and resources to incite support for terrorist acts, while respecting human rights and fundamental freedoms and in compliance with other obligations under the international law.

Border security

244. For successful counteraction to terrorist threat, the high level of border security is of crucial importance. Bulgaria has already undertaken measures for strengthening the border security. Since October 2014, systematic checks of 100% of documents and individuals, defined on the basis of the risk analysis, at certain Border Checkpoints are being performed. Strict instructions have been drawn up for border police officials on all borders on containing up-to-date risk profiles of individuals, who can be identified as foreign fighters. We consider that a working variant is the introduction of systematic checks of documents and individuals by applying of the respective indicators and at the Border Checkpoints, defined on the basis of the risk analysis.

245. In addition to the application of the common risk indicators, during the border checks the Bulgarian border police officials perform checks in real time in the Schengen information system and the Database of Interpol for lost and stolen travel documents and this leads to effective results in detection of individuals, involved in terrorist activities. Of particular importance is the active usage of the capacity of Interpol at detecting the authenticity of documents during the checks at the borders.

Training in the Academy of the Ministry of Interior

246. In the Academy of the Ministry of Interior training on the subject "Management" is being performed. Its training covers tactics for counteraction to terrorism, protection of human rights and involvement of society.

General information on other measures and developments relating to the implementation of the Convention in the State party

Response to issues raised in paragraph 30 of the list of issues

247. In 2013, by decision of the Council of Ministers a National Coordination Mechanism on Human Rights (NCMHR) was established. It aims to improve coordination at horizontal level among public authorities involved in the implementation of the tasks arising from Bulgaria's commitments to International Human Rights Treaties and other instruments. The NCMHR considers the desirability of signature and accession to new international agreements on HR and recommends amendments in the domestic legislation and administrative practices. The Minister of Foreign Affairs is the chairperson of the NCMHR. Its members are ministers, heads of State agencies and independent institutions, working on human rights issues. NGOs are also represented.

248. Although in the reported period Bulgaria has achieved significant progress in enhancing the national capacity for the promotion and protection of human rights and the human rights situation in general has been vastly improved, certain areas require further efforts to advance. The NCMHR has approved some of them as national human rights priorities for the forthcoming years – protection of the rights of the child, including conclusion of the process of deinstitutionalization; development of gender equality; further development of the historical tradition of ethnic and religious tolerance in the Bulgarian society, including the integration of Roma and other communities; protection of the rights of migrants and refugees; promotion and protection of the rights of people with disabilities; increasing the effectiveness of the national legislation and practices of national institutions on human rights issues.

249. The amendments to the Judicial System Act (2012) (JSA) enhanced the institutional capacity of the Supreme Judicial Council (SJC), the Inspectorate of the Council and the National Institute of Justice (NIJ) and established a procedure for compensating citizens and legal entities for damages resulting from unreasonable delays of completed civil, administrative and criminal procedures, and of discontinued pre-trial procedures. The National Assembly tasked the Government to submit an annual report on the implementation of the decisions of the ECtHR against Bulgaria.

250. In 2014, the Government adopted a decision for one-time payment of compensations to all individual complains for which damages had been recommended by the Treaty Bodies of the UN universal human rights instruments. Meanwhile, the NCMHR approved on 22.01.2015 a legal mechanism for financial compensations under the recommendations of the Treaty Bodies on individual complains.

251. In the reported period, Bulgaria signed and/or ratified:

- The OP to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Following inter-institutional consultations and consultations with the NGO sector, the Ombudsman was appointed as National preventive mechanism.
- The Convention on the Rights of Persons with Disabilities.
- The Convention on the Reduction of Statelessness.
- Protocol 15 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR).